

T H E  
**Compleat Parish-Officer ;**  
C O N T A I N I N G,

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|---|--|
| I. The Authority and Proceedings of High Constables, Petty Constables, Headboroughs, and Tithingmen, in every Branch of their Duties pursuant to Acts of Parliament: With the High Constables Precepts, Presentments, Warrants, &c.                 | new Churches in <i>London</i> and <i>Westminster</i> .   |
| II. Of Church-wardens, how chosen, their Business in Repairing of Churches, Bells, &c. and Assigning of Seats; the Manner of Passing their Accounts, and the Laws concerning the Church in all Cases; and an Abstract of the Act for building Fifty | III. Of Overseers of the Poor, and their Office; their Power in Relieving, Employing, and Settling, &c. of poor Persons; the Laws relating to the Poor, and Settlements, and the Statutes concerning Masters and Servants. |
|   | IV. Of Surveyors of the Highways, and Scavengers, how elected, their Business in amending the Ways, &c. and the Duty of others, with the Methods of Taxation, and Laws of the Highways.                                    |

Together with  
The Statutes relating to Hackney Coaches and Chairs, &c.

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The Fifth EDITION, Corrected and Enlarged.

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To which is added, the Office of Constables, written by Sir *Francis Bacon*, Knt. in the Year 1610. declaring what Power they have, and how they ought to be che-  
rished in their Office.

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In the S A V O Y:

Printed by E. and R. Nutt, and R. Gosling, (Assigns of *Edward Sayer*, Esq;) for *Bernard Lintot* at the Cross Keys in Fleet-Street, and *William Mears* at the Lamb without Temple-Bar. 1729.

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# T H E Compendious History of the CONTINING

new Compendious in London  
 and Westminster.  
 II. Of the Office of the  
 Poor, and their Office  
 their Power in Relie-  
 ving the Poor, and the  
 Law relating to the  
 same, and the Statute  
 in that behalf made.



The Assembly and Pro-  
 ceedings of the Con-  
 siderable Society of  
 Ministers, and the  
 Synod, is every Branch  
 of their Affairs put  
 to a full and complete  
 View, the High Court  
 of Prebys, Presby-  
 terian, Westminster, &c.  
 The Church, and how  
 they have been in  
 the History of Churches,  
 both in the Old and New  
 Testament; the Man-  
 ner of their Assembly  
 and the Laws concerning  
 the Church in all Cases,  
 and the Affairs of the  
 same, for edifying fully.

The Statute relating to Hackney, Green and White, &c.

The Acts of the Parliament of Great Britain, relating to the

which is added, the Office of the Clerk of the Peace, and the  
 Office of the Justice of the Peace, and the Office of the Sheriff,  
 and the Office of the Coroner, and the Office of the Recorder,  
 and the Office of the Mayor, and the Office of the Alderman,

Printed by E. and R. Smith, and J. G. Smith, at the Office of the  
 Printer, in the Strand, near the Temple, in the City of London.

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T H E

P R E F A C E.

**T**HE very great Deficiency in the Books hitherto published of this Nature, with Relation to the Business of Church-wardens and Overseers of the Poor, will be a sufficient Apology for my Engaging in this Undertaking; There being no Treatise yet extant, that contains any tolerable Directions for Dispatch of Business, or Variety of Proceedings, incident to those extensive Offices especially in this populous City.

The other Books on this Subject, are likewise very defective in the Office of Constables; I having, besides at least twenty intire new Heads, made very Considerable Additions and Improvements to what has hitherto appeared, in respect to them: And the Business of Surveyors of the Highways, is no less neglected by other Authors; so that I have sufficient Room to introduce this small Performance.

I have taken care that no Particular of any Signification, relating either to Constables, Church-wardens, Overseers of the Poor, or Surveyors of the Highways, is wanting in this new

## The P R E F A C E.

Edition to render it compleat; and as a farther Recommendation, I think it incumbent on me to signify, that I have thoroughly examin'd my References, and compared my Book with the same, whereby the Plebeian, unacquainted with our Laws and Statutes, may be assured of his acting with Safety, without advising with other Persons, or consulting any other Authority, but this Treatise.

This I doubt not will be a Satisfaction to all Parish-Officers, to have so many valuable Instructions communicated in so small a Compass: By this Means the Purchase is in every one's Power; and that nothing might be omitted, which may contribute to the Usefulness of this Tract, I have inserted an Abstract of the Statutes for building Fifty new Churches in London and Westminster, several Magnificent Structures being now erected pursuant to those Laws; and I conclude, next to treating of Car-men, (under the Head Scavengers) with the Statutes concerning Hackney-Coaches, &c.



G. J.

T H E

one for beating or maiming another, and had several other Powers and Privileges; but they ~~would not take Oath for the Peace~~ ~~will because they were not Officers of the Peace~~. And some of our Law Books mention that Constables were only Subordinate Officers to the Justices of the Peace, as they are now to the Judges.

## THE Compleat PARISH-OFFICER.

### Of Constables.

*High and Petty Constables, Head-boroughs, and Tithingmen; and their Authority.*

**T**HE Office of a Constable is of great Antiquity, and both High and Petty Constables are Officers at Common Law: One was appointed long before the Statute of Winton, (some Writers tell us, in the Reign of King Elfred, on the Division of Counties into Hundreds, for the Ease of the Sheriff) and the other before the Reign of King Edward III.

Before Justices of the Peace were made, Constables were Conservators of the Peace; they might put a Man in the Stocks who broke the Peace, might arrest or imprison one

*Antiquity of Constables.*

*Their Power in former Times.*

## Constables.

one for beating or maiming another, and had several other Powers and Privileges; but they could not take Security by Recognizance or Bail, because they were not Officers on Record. *Owen* 105. And some of our Law-Books mention, that Constables were only subordinate Officers to the Conservators of the Peace, as they are now to the Justices.

*High and Petty Constables, where appointed.*

There are few Persons ignorant that High Constables are appointed over Hundreds, and Petty Constables for Towns and Parishes within the Hundred, as Assistants to the High Constables; and Headboroughs, Tithingmen, &c. are for particular Boroughs, Hamlets, Tithings, and Villages.

*Authority of High Constables, beyond Petty Constables.*

The Petty Constables and Tithingmen are not subordinate to the High Constable in any Thing that proceeds from his own Authority merely, though his Power is of a larger Extent than theirs; and in Places where there are no Constables, but Tithingmen, &c. there the Authority of such Parish-Officer equals that of the Constable, within his Limits; for he is in Effect the Constable of the Place.

But Headboroughs, Tithingmen, &c. appointed in a Town or Parish, having also a Constable, cannot principally concern themselves in any Matter, the Constables being Head Officers; though in the Absence of the Constable they are chiefly to attend the Service: And there are many Things which a Constable has Power to do, that Headboroughs and Tithingmen cannot intermeddle with. *Dalt.* 3.

*High Constables, how elected.*

High Constables are chosen either at the Quarter-Sessions, or in the Court-Leet: and where the Latter is warranted by Custom, the Justices





## Constables.

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Justices of Peace cannot interpose, unless it be on a Neglect of keeping such Court, or in chusing them, when the Justices at their Quarter-Sessions may appoint and swear a High Constable, or issue their Warrant to do it out of the Sessions; but in Case of Refusal to serve the Office, Death, or Removal, a Justice of Peace may chuse and swear another, tho' this is generally done by two Justices; and the Person chosen is to continue in the Office till the next Court-Leet, or the Sessions, and then the Steward or Justices may either approve him, or appoint another, to continue in for one Year.

If he is present when chosen, and refuses to take upon him the Office, the Steward may fine him; (Justices of Peace may likewise bind him over to the Assizes, or Sessions, where he may be indicted, and fined.) If he does not appear, the Homage are to present his Refusal at the next Court, whereupon he shall be amerced; and if he being present accept the Office, he is to be forthwith sworn in the Leet. If absent, upon Notice given by the Steward, he is to take the Oath before a Justice. *Dalt.* 58, &c.

*Refusing  
the Office,  
&c.*

Petty Constables and Tithingmen are elected by the Parish, and sworn in their Offices in the Court-Leet, and sometimes by Justices of Peace in the Sessions: And the Sessions may remove High Constables and Petty Constables, the Justices there being the best Judges in these Cases.

*Petty Con-  
stables,  
how cho-  
sen.*

Dissenters chosen Constables, are to make Deputies for the Execution of the Office.

*Deputies.*

1 *W. & M.* and other Persons may make Deputies, though formerly it was doubted; but they must answer for their Miscarriages, un-



## Constables.

less such Deputies are sworn and allowed by the Court. *Sid. 355.* And if the Office happen on a Woman, where there is a Custom for every Inhabitant to serve by Turns, she may hire one to execute the Office. *Sid. 355.*

*Qualifications for Constables.*

As for Persons qualified for this Office, they ought to be honest, understanding, and able Men; to be Men of Substance, and not of the meaner Sort; wherefore they are not to be elected by House, or Custom, if not fit to execute the Office: They are likewise to be resident where chosen; and if they are not thus qualified, upon Complaint, two Justices may appoint others.

*Persons exempted from the Office.*

Justices of the Peace, Clergymen, Attorneys, Lawyers, Physicians, Idcots, Poor, Old, and Sick Persons, are exempted from serving.

When Constables are appointed, the Steward of the Court-Leet, or the Justices, administer the following Oath.

### Oath of Constables.

**Y**OU shall well and truly serve our Sovereign Lord the King, and the Lord of this Leet, (if appointed in the Court Leet) in the Office of a Constable, in and for the Hundred of A. until you be thereof discharged according to due Course of Law; or for the Year ensuing, and until another shall be sworn in your Room; you shall from Time to Time well and truly do and execute all Things belonging to the said Office, according to the best of your Knowledge.

So help you God.

*Note,*

## Constables.

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*Note,* The Oaths of Allegiance and Supremacy appointed by Stat. 25 Car. 2. do not extend to Constables, Church-wardens, &c.

Formerly Constables were sworn to several Articles, *viz.* To suppress and prevent Affrays; arrest armed Men; prevent Bloodshed, and Drunkenness, apprehend Felons; prevent Gaming-Houses and Gamesters; make Hue and Cry; punish idle Persons, Night-Walkers, &c. keep the Peace; prevent Riots; apprehend Rioters; punish Rogues and Vagabonds; execute Warrants, keep Watch, &c. *Antient Oath.*

These are to be inquired into by all Constables; and the Duty of a High Constable alone, consists in the following Articles.

### *Duty of High Constables alone.*

They are to determine Complaints of Clothiers and their Spinners, and other Labourers, by Virtue of an old Statute, relating to not paying Wages in ready Money, &c. *Duty of High Constables alone.* which incurs a Forfeiture of three Times the Value of the Wages: And on Non-payment of the Forfeitures, &c. they may commit the Party till paid. Stat. 4 Ed. 4. c. 1.

A High Constable may enter into any Place to search for Tenters, Ropes, &c. for stretching of Cloth; and if he finds any, he is to deface them; and if the Owners shall afterwards make Use of them, such High Constable has Power to seize and sell them, and distribute the Money to the Poor. Stat. 39 Eliz. c. 20. Persons resisting the Constable, forfeit 10 l. *In respect of Clothiers.*

## Constables.

*Monies received for Poor Prisoners, &c.* High Constables on their receiving Monies from Church-wardens assessed on any Parish for Relief of Poor Prisoners, are to pay over the same to the Collectors appointed by the Justices at the Quarter-Sessions, on the Penalty of 5 l. *Stat. 14 Eliz. c. 5.*

They are also to pay over Monies received for the Relief of Prisoners in the King's Bench and Marshalsea, under the Penalty of 20 s. And so of Money received for the Relief of maimed Soldiers and Mariners, on Pain of 40 s. *Stat. 43 Eliz. c. 3.*

High Constables are likewise to pay Monies rated at Easter-Sessions, for the Use of the Poor, to the Treasurers, under the Penalty of 20 s. by *Stat. 43 Eliz. c. 2.*

*In respect to Vagrants.*

Chief Constables are to pay Petty Constables the Allowances ascertained in Certificates made by Justices for passing of Vagrants, and no more, taking the Certificates and their Receipts; which Certificates and Receipts are to be allow'd the Chief Constable in his Account by the Treasurer of the County. *Stat. 12 Ann. cap. 23.*

High Constables paying Money for passing of Vagrants, without the Petty Constables producing a Receipt for such Vagrants, to forfeit 20 s. *Stat. 1 Ann. Sess. 2. cap. 13.*

*Jurors, Presentments, &c.*

High Constables are to issue Precepts to Petty Constables, to prepare Lists of Jurors, to make Presentments of Offences; and levy Gaol-Money, &c.

Constables

## Constables.

7.

### *Constables of London.*

There being some Variation in the Manner of Election, and the Oath and Office of Constables in the City of *London*, with respect to other Constables appointed in the Country; I shall here communicate some Observations relating to them, before I proceed to the particular Business and Power of Constables in general.

And first the City is divided into 26 Wards, *Number of*  
and every Ward into the like Number of Precincts, over each of which is a proper Constable. *Constables.*

All Constables ought to be Freemen of the City: They are nominated by the Inhabitants of the Precinct on *St. Thomas's Day*, and confirm'd, or otherwise at the Court of Wardmote; and after they are confirm'd, they are Sworn in their Offices at a Court of Aldermen, on the next *Monday after Twelfth-Day*. *Manner of Election.*  
*Calthr. Rep. p. 129.*

The Substance of the Oath is as follows;

To keep the King's Peace to the utmost of their Power; to arrest Affrayers, Rioters, and such as make Contests to the Breach of the Peace, and to lead them to the House of Correction, or Compter of one of the Sheriffs; and in Case of Resistance, to make Outcry on them, and pursue them from Street to Street, and from Ward to Ward, till they are arrested. *Particulars of the Oath.*

To search for common Nuisances in their respective Wards (being required by Scavengers, &c.) and upon Request to assist the Beadle and Raker in collecting their Salaries and

*Nuisances, Defaults in Ordinances,*



*and Death  
of Free-  
men.*

*Present-  
ments.*

*Farther  
Articles.*

*New Co-  
mers into  
Parishes,  
&c.*

*Watch in  
London.*

*Obstruct-  
ing Con-  
stables.*

Quarterage; to present to the Mayor and Ministers of the City, Defaults relating to the Ordinances of the City; to certify in the Mayor's Court, once a Month, the Names and Surnames of all Freemen deceas'd; and also of the Children of such Freemen, being Orphans.

And by the Articles of the Wardmote-Inquest, Constables are to certify the Name, Surname, Place of Dwelling, Profession and Trade of every Person, who shall newly come to inhabit in their Precincts, and to keep a Roll thereof: In Order to this, they are to make Enquiry, at least once a Month, into what Persons are lately come to lodge and sojourn there: And if they find by their own Confessions, or the Records of the Aldermens Books, that such new Comers are ejected from any other Ward for bad Living, or any Misdemeanour, and refuse to find Sureties for their Good Behaviour, Warning is to be given to them and their Landlords, that they depart, and on Refusal, they may be imprison'd, and their Landlords fined a Year's Rent, agreed for by such new Comers. *Calth. Rep. 138.*

Constables in each Ward are to attend the Watch by Turns, one every Night, and to go the Rounds; and with the Beadles every Night are to warn such Persons as are to serve upon the Watch in their several Precincts; and if they refuse to appear, the Constable may hire others in their Stead, and they shall pay the Constable, according to the Custom of the City. The Common Council appoint the Watchmen.

They are to certify to the Lord Mayor and Common Council of the City, the Names of  
all



## Constables.

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all such Persons as shall interrupt or hinder them in the Discharge of their Offices.

These are the Articles of the Oath, and *Extent of* extraordinary Business of the Constables of *their Pow-* London; to which I am to add, that a Constable of London has Power to execute Warrants, &c. throughout the whole City upon Occasion: And such as are chosen into the *Arms of* Office are obliged to place the King's Arms, *the City,* and the Arms of the City over their Doors; *&c. at* and if they reside in Alleys, at the End of *their Door.* such Alleys, towards the Street, to signify that a Constable lives there, and that they may be the more easily found when wanted.

I come now to *Constables in General:*

And I shall first observe in General, that *Constables* Part of their Office and Duty consists in At- *in general,* tendance on Justices of Peace, at Court-Leets, *and their* and on Coroners for executing of Warrants; *Business.* they are likewise to attend upon Judges of Assize at the Gaol-delivery, Justices at the general and special Sessions, and other Meetings, to execute Warrants, and present Offences upon Oath, according to Articles exhibited, &c.

Their Duty in particular is to be considered *Particular* under the several Heads following, *Duties.* viz. Affrays, Alehouses, Arrests, Arms, Bastardy, Bawdy-Houses, Carriages, Cattle, Clothiers, Conventicles, Customs, Deer-stealing, Deserters, Distress, Escapes, Excise, Felons, Fish, Forcible Entry, Foreign Goods, Game, Gaming, Gaol and Gaolers, Hawkers, Hedge-breakers, Highways, Horses, Hue and Cry, Inns, Juries, Labourers, Land-Tax, Maltsters, Measures, Militia, Orchards robbed, Physicians, Plague, Popish Recusants, Presentments, Prisons, Riots, Rogues, Robbery, Sabbath, Servants, Soldiers, *Supersedeas,*

Swear-

# Constables.

Swearing, Tobacco, Vagabonds, Watches, Warrants, &c. and first, the Authority of Constables in Affrays.

## Affrays.

*Affray  
what.*

Affray is a Fighting between two or more ; and there must be a Stroke given, or a Weapon drawn.

*Affrayers  
to depart.*

A Constable may command Affrayers to depart on Pain of Imprisonment ; and if they refuse, or make Resistance, he may justify the Beating of them, and call others to his Assistance. *Dalt. 35. 4 Co. 4.*

*Set in the  
Stocks on  
Resistance,  
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ing.*

Affrayers not ceasing, but still threatening to wound each other, he may put in the Stocks till he can carry them before a Justice ; or if any Assault be made upon the Constable, he may not only defend himself, but put the Parties in the Stocks, as aforesaid, till he can convey them before a Justice, or to the Gaol. *Dalt. f. 4, 5, 35, &c. Kitch. 69.* And if a Constable, or his Assistants, shall happen to be killed, it is Murder ; and if they are wounded in the Affray, they shall have good Damages ; but the Affrayers in such Case shall be without Remedy. *Lamb. 141, 142.*

*Affrayers,  
no Remedy.*

*When a  
Warrant  
necessary  
and when  
not.*

If any Person shall assault, threaten to kill or beat another in the Presence of a Constable, or do any other Act which amounts to a Breach of the Peace, the Constable has Power to carry the Offender before a Justice without Warrant ; but if the Affray or Breach of the Peace is over before he comes, he may not arrest the Affrayers without a Justice's Warrant, except some Person be dangerously hurt. *38 H. 8. c. 6.* and if there be nothing

## Constables.

11

nothing but Words, the Constable may not lay Hands on them. *Dalt.* 36.

If a Person be desparately wounded in an Affray, the Constable may arrest the Offender, and carry him before a Justice, who is either to bail or commit him, until it be known whether the Party will live or die. *4 Co.* 4. *9 Co.* 66. *Lamb.* 135. Any Person may arrest Affrayers, where there is a dangerous Affray, and deliver them to the Constable. *Dalt.* 35.

A Constable may pursue Affrayers into any other Franchise or County; but out of the County he is only an Assistant to the Constables there; and he may justify the Breaking open Doors to apprehend Affrayers, and keep the Peace. *Plow.* 37. *Crompt.* 146. *Lamb.* 135, open Doors. 185, &c.

All this the Constable may do *ex Officio*, without Commandment or Precept from a Justice, except as above, where an Affray is over before he has Notice; and it has been held, that the Constables might *ex Officio* take Sureties for the Peace. *Trin.* 35 *Eliz.* *Skarret's Case*: But it was then the Opinion of others, that he ought to carry the Offender before a Justice; and our antient Books tell us, that a Constable may not, at the Request of any Person, take Surety of the Peace though he is to do what lies in his Power to keep the Peace. *3 H.* 4. *cap.* 9. *Kitchen* 62. *Crompt.* 6, &c.

If Persons make an Affray, and the Constable refuses to go to keep the Peace, being informed of it, he may be fined in the Sessions, on Presentment by the Grand Jury.

*Crompt.* 846.

Ale-

# Constables.

Swearing, Tobacco, Vagabonds, Watches, Warrants, &c. and first, the Authority of Constables in Affrays.

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Ale-



## Alehouses.

Unlicensed  
Alehouse-  
Keepers.

What I shall mention under this Head, is the Punishment for Neglects in Constables.

If a Constable do not levy the Penalty of 20 s. by Distress for the Poor, inflicted on Persons keeping Alehouses without Licence; or if there be no Distress, he neglects to whip the Offender, he is liable to a Forfeiture of 40 s. or to Commitment until the Alehouse-Keeper is punished. *Stat. Jac. 1. c. 9. 1 Car. 1. c. 4.*

Selling Ale  
to such.

Not delivering the Poor's Moiety of the Penalty of 6 s. 8 d. per Barrel, for selling Ale to an unlicensed Alehouse-Keeper, over to the Churchwardens, &c. and they not distributing it among the Poor, forfeit double the Value. *Stat. 4 Jac. 1. cap. 4.*

Selling less  
than Mea-  
sure.

And not levying 20 s. of Alehouse-Keepers for selling less than Measure, he forfeits 40 s. to the Use of the Poor, to be levied by Distress; and if no Distress, to be committed. Selling in unmarked Vessels, &c. incurs a Forfeiture not above 40 s. nor under 10 s. one Moiety to the Informer, the other to the Poor. *11 & 12 W.*

Tippling.

Not levying 10 s. on Alehouse-Keepers for suffering Persons to sit tippling, to forfeit *ut supra.* *Stat. 1 Jac. 1. 21 Jac. 1. c. 7.*

Also not levying 3 s. 4 d. on Persons convicted of Tippling, forfeits 10 s. *Stat. ibid.*

But in all these Cases there must be a Justice's Warrant.

## Arms.

Constables may stop all such Persons as go or ride unlawfully armed in Terror of the People; take away their Arms, and carry them before a Justice of the Peace, to find Sureties of the Peace. 2 Ed. 3. c. 3. 7 R. 2. Dalt. 33.

His Majesty's Servants or Officers, Persons pursuing Hue and Cry in Case of Felony, and other Offences, have lawful Authority to bear Armour or Weapons. Dalt. c. 90 fol. 36. 3 Co. Inst. 162.

Constables are to assist such Persons who have a Warrant from the Lieutenantcy to search for Arms, &c. but it must be in the Day-time, unless in Towns; and if resisted, they may enter with Force: And High Constables, Petty Constables, &c. shall be assisted by others.

## Arrest.

If a private Person arrest another, as in Case of dangerous Affrays, Suspicion, or knowing one to have committed Felony, or one that has violently wounded another, Night-Walkers that are dangerously Suspicious, &c. which he may justify the doing; he ought to carry and deliver the Offender to a Constable, Headborough or Tithingman, and they are bound to secure the Party arrested. 10 Ed. 4. c. 6. Dalt. 468.

Bakers.

## Constables.

*Bakers.*

*Assise of Bread.* Bakers not observing the Assise of Bread, are to be set on the Pillory, &c. *Stat. 51 H. 3.*  
*Bakers selling Bread under Weight, &c.* By 3 *Ann. c. 18.* A Penalty of 40 s. was inflicted on Bakers, selling Bread under Weight, &c. But the 1 *Geo. c. 25.* enacts, that if any Baker shall make or expose to sale Bread wanting an Ounce of due Weight, he shall forfeit 5 s. and wanting less than an Ounce 2 s. 6 d. to be levied by a Constable.

*Bread to be seiz'd, and given to the Poor.* A Justice of Peace, Mayor, &c. may in the Day-time enter any Shop, Bake-house, &c. to search for, and weigh and try Bread; and if the Bread be wanting in Goodness, or deficient in Weight, may seize the same, and give it to the Poor.

*Bastardy.*

*Leaving an Infant in a Parish.* A Constable may put a Person in the Stocks leaving a Child in a Parish, and not carrying it away being required, until such Time as he shall take up the Infant. *Popb. Rep. 12.*

*Bawdy-Houses.*

*Lewd Persons in Houses of ill Fame.* A Constable having Information that Persons resort to a Common Bawdy-House, and there keep Company with lewd Women, may, with others called to his Assistance, enter such House, and arrest the Offenders for a Breach of the Peace. *Mich. 13 H. 7.* But he must find them in Company with lewd Women; and

## Constables.

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and is to carry them before a Justice of the Peace, which he may do without Warrant. 214, 469.

## Bridges.

Where a Common Bridge is in Decay, and it cannot be known who are to repair it; the Constable and two of the most able Inhabitants in the Parish, are to make an Assessment, and four Justices to allow it. 22 H. 8. c. 5. *Assessment for Repairs.*

## Carriages.

When a Justice of Peace issues out Orders to Constables, to provide Carriages on the Marching of Soldiers, the Constables are to do it, being allowed by the Officers, for a Waggon and five Horses, or for four Oxen and two Horses, or six Oxen, 1 s. a Mile, and for a Cart and two Horses, 9 d. per Mile. *Allowance for Providing Carriages, by Stat. 3 Geo.* Stat. 3 Geo. 1. c. 3.

Officers obliging Constables to provide Saddle-Horses, forcing Horses from Owners, or making a Carriage travel more than one Day, forfeit 5 l. *Forcing Horses, &c.* Stat. *ibid.*

Constables neglecting or refusing to execute Justices Orders, or any other Person hindering the Execution thereof, shall forfeit not exceeding 40 s. nor under 10 s. to the Poor. *Neglect of Constables, &c. how punished.* Stat. 3 Geo. 1. c. 3.

No Waggon shall be obliged to carry above twenty Hundred Weight.

*Cattle.*



Cattle.

Imported  
from Ire-  
land.

Constables, Tithingmen, Churchwardens, Overseers of the Poor, or any other Person, may take and seize all Cattle, Sheep, Swine, Beef, Pork, Bacon, &c. brought from Ireland: And cause the said Cattle to be kill'd in six Days after Conviction of the Offence, and the Hides and Tallow shall be to the Seizor, and the Remainder to be distributed by the Churchwardens and Overseers amongst the Poor of the Parish where imported, or found. Stat. 18 Car. 2. c. 2. 20 Car. 2. c. 7. 32 Car. 2. c. 2.

Officers not  
doing their  
Duty.

Constables, or others seizing Cattle, &c. imported out of Ireland, and not given Notice in six Days after Conviction, to Churchwardens and Overseers, of such Seizure, and they not distributing all but the Hides and Tallow to the Poor forfeit 40 s. for every one of the great Cattle, and 13 s. for every Sheep or Swine, one Moiety to the Poor, the other to the Informer; or to be committed to Gaol for three Months. Stat. 32 Car. 2. c. 2.

Second  
Seizure.

Cattle found alive in any other Parish after they have been seized, are liable to a second Seizure: And if there be any English, Scotch, or other Cattle intermix'd with Irish, they shall be forfeited.

Cloth and Clothiers.

Regula-  
ting Nor-  
wich  
Stuffs.

Constables, on Request, are to be aiding and assisting to the Wardens and Assistants of the Weavers of Norwich Stuffs in the City of



of *Norwich* and County of *Norfolk*, in regulating that Part of the Cloathing Trade. *Stat. 14 Car. 2. c. 5.*

They are likewise, upon Request, to be aiding and assisting to the President, Wardens, &c. for regulating the Making of *Kidderminster* Stuffs, in the Borough of *Kidderminster*. *Stat. 22 & 23 Car. 2. c. 8.*

*Kidderminster Stuffs.*

High Constables may hear and determine Complaints of Clothiers and their Work People, and commit the last till they make Satisfaction for Damages. *4 Ed. 4.*

*Power of High Constables.*

If any Person make Use of Flocks, Hair, or other deceitful Stuff in making Broad Cloath, on Certificate by two Justices he shall forfeit 5*l.* to be levied by Churchwardens, and Overseers of the Poor, &c.

*Using deceitful Stuff.*

And Justices are to appoint Searchers of Cloth yearly, who shall fix their Seals to it, &c. *Stat. 39 Eliz.*

*Searchers of Cloth.*

Spinsters, &c. imbezilling or detaining any Wool from Clothiers, shall make Satisfaction; or be whip'd and put in the Stocks by Constables, &c. *Stat. 7 Jac. 1. c. 7.* It is made a Forfeiture of double Value, by *1 Ann.*

*Work People detaining Wool.*

Broad Cloths are to contain the Quantity mentioned in the Seals, or the Seller shall forfeit a sixth Part. Millmen refusing to fix Seals, and others defacing or counterfeiting, &c. forfeit 20*l.* Cloths are not to be stretched above one Yard in Twenty in Length. They are to be measured by two indifferent Persons chosen by the Buyer and Seller, or on their Disagreement by a Person appointed by chief Magistrates of Towns, &c. *Stat. 10 Ann. c. 16. 1 Geo. 1. c. 15.*

*Length of Broad Cloths.*

The *Stat. 12 Geo. 1. c. 32.* was made against Combinations of Weavers, in the Cloathing

*Combinations of Weavers punished.*

Trade, *12 Geo. 1.*

## Constables.

Trade, for advancing their Wages, &c. and punishing the same: And if any Weaver return his Work unfinish'd, &c. he shall be sent to the House of Correction for three Months. Clothiers must pay their Work-People their full Wages in Money, and not in Goods, on Pain of 10 l.

*Wages  
how paid.*

*Work given  
out, &c.*

*Penalties.*

Clothiers are to give out all Wool, Yarn, &c. by Weight; and not use any Ends of Yarn, or other Refuse, by working them up again, under the Penalty of 5 l. leviable by Constables, by Warrant of two Justices of Peace. And Constables by such Warrant may enter and search Houses for Ends of Yarn, &c. 13 Geo. 1.

## Conventicles.

*Fines le-  
vied.*

Constables, Headboroughs, Tithingmen, Churchwardens, &c. are requir'd to levy the Fines imposed on those, who shall be present at unlawful Conventicles, by Virtue of a Warrant under the Hands of one or more Justices. 22 Car. 2. c. 1.

*Not giving  
Notice of  
Conventi-  
cles.*

*Penalty.*

Constables, &c. knowing, or being credibly informed, of any Conventicle within their Precincts, and not giving Information thereof to some Justices of Peace, or chief Magistrate; and endeavouring to convict the Persons, forfeit 5 l. 22 Car. 2. c. 1.

*To enter  
into Houses  
where Con-  
venticles  
are held.*

On Information given of Conventicles, Constables, &c. with Aid and Assistance, may by Virtue of a Warrant from one or more Justice or Justices, or chief Magistrate, (upon Refusal to enter) break open Doors, and enter into any House or Place, where they are informed such Conventicles are held, and take

## Constables.

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take into Custody Persons unlawfully assembled.

*Ibid. Stat.*

The Houses of Peers not to be search'd, un- *Exception.*  
less in the Presence of the Lord Lieutenant, *Protestant*  
or two Justices of the Peace. And Protestant *Dissenters*  
*Dissenters* are excepted out of this Act. *Stat. excepted ;*  
1 *W. & M. c. 24.* But if any Assembly of  
Dissenters should be held in any Place, with  
the Doors lock'd or bolted during the Time *But not if*  
of Service, they are liable to Prosecution, as *they lock*  
others, notwithstanding taking the Oaths, *&c. the Doors.*  
directed by the Act, 1 *W. & M.*

Any Person sued for acting according to *Plea for*  
the *Stat. 22 Car. 2.* may plead the General Is- *executing*  
sue, and give the special Matter in Evi- *the Act.*  
dence, and recover treble Costs. *Stat. 22*  
*Car. 2. c. 1.*

## Customs.

Customs are certain Duties and Impositions *Customs*  
upon Goods and Merchandize imported and *defined.*  
exported, payable to the Crown.

And Constables, *&c.* are to be assisting to *Constables*  
all Persons appointed by the King for the *to assist*  
Collecting and Managing of the Customs. *Officers.*  
*Stat. 14 Car. 2. c. 2.*

They are, upon Request, to assist Persons *To search*  
having a Warrant from the Lord Treasurer, *for Goods,*  
Barons of the Exchequer, or Chief Magi- *&c.*  
strates of Ports, to make a Search for Goods  
which have not paid the Customs ; and may  
enter into any House in the Day-time, and if  
resisted, break open Doors. But this last must *Break*  
be within a Month after the Offence commit- *Doors.*  
ted. *Stat. 12 Car. 2. c. 19.*

## Constables.

Runners of  
Goods.

Officers of the Customs hindered in the Execution of their Offices by Persons armed to the Number of Eight, the Offenders to be transported for seven Years. *Stat. 6 Geo. 1. c. 20.* against Running of Goods.

## Deer-Stealing.

Penalties,  
how levied.

The Penalties on Deer-Stealers are to be levied by Constables, by Virtue of a Warrant from a Justice of Peace; and Constables may detain Offenders two Days, if they do not pay the Forfeitures upon Conviction, until a Return may be made of the Warrant of Distress. *Stat. 13 Car. 2. c. 10.*

Penalties  
particular-  
ized.

The Forfeitures are 20 *l.* for Courfing or Hunting Deer in any Park or Place inclosed, and 30 *l.* for every Deer taken, wounded, and killed; one third Part to the Poor, another to the Informer, and the other Third to the Owner of the Deer. *Stat. 13 Car. 2. cap. 10. 3 & 4 W. & M.*

Constable  
to search  
suspected  
Places,  
&c.

Constables may enter any suspected Place, and carry away Venison, Skins of Deer, Toils, &c. by Warrant from one Justice, and likewise carry the Offender before the Justice, to give an Account how he came by the same.

Penalty by  
new Act.  
3 Geo. 1.

By *Stat. 5 Geo. 1. c. 15.* Keepers killing Deer without Consent of Owners, shall forfeit 50 *l.* And Persons pulling down Walls, &c. of Parks, are liable to the Penalties for killing Deer.

Deer-Stealers convicted before a Judge of Gaol-Delivery, may be sent to the Plantations for seven Years.

*Stat. 10 Geo. 1. See Riot.*

Deserters.



## Constables.

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## Deserters.

Any Constable, &c. has Power to take up *To apprehend* a Person suspected of Desertion, and to bring *Deserters, &c.* him before a Justice; and if, upon Examination, it shall appear that he is a listed Soldier, the Justice shall commit him to the County-Gaol, and give an Account thereof to the Secretary at War. *Stat. 1 Geo. 1. c. 3.*

## Distress.

The Constable, in taking Distresses is to assist the Landlord or Person distraining; as *To assist in taking a Distress.* where any Goods or Chattels shall be taken in Distress for any Rent reserved, and due upon any Demise, Lease, or Contract; and the Tenant and Owner of the Goods shall not within five Days, after such Distress taken, and Notice thereof given, and of the Cause, *Manner of taking a Distress.* left at the Dwelling-house or most notorious Place on the Premises charg'd with the Rent distrain'd for, replevy the same according to Law: Then the Landlord, or Person distraining, may with the Sheriff or Under-Sheriff of the County, or with the Constable of the Hundred, Parish, or Place where the Distress shall be taken, (who are required to be aiding and assisting therein) cause the Goods and Chattels to be appraised by two sworn Appraisers, and afterwards sell the same for the best *Goods appraised and sold.* Price, towards the Satisfaction of the Rent and Charges of Distress, Appraisement and Sale, leaving the Overplus in the Sheriff's or Con-

## Constables.

Constable's Hands for the Use of the Owner.  
*Stat. 2 W. & M.*

Oath to be  
admini-  
stered.

N. B. The Under-Sheriff, Constables, &c. have Power to administer an Oath to the Appraisers.

## Appraiser's Oath.

**Y**OU shall swear, that you will faithfully appraise and value the Goods now taken in Distress, and mentioned in the Inventory to you shewn, as between Buyer and Seller, according to the best of your Skill and Understanding: You shall not through Partiality, Interest, or otherwise, over or under estimate the said Goods, but impartially do your Duties herein.

So help you God.

Dogs. See Title Game.

## Drunkenness.

Penalties  
of Drunk-  
eness.

Constables are to levy the Sum of 5 s. on Persons convicted of Drunkenness, for the Use of the Poor: And if the Party is not able to pay it, he must be set in the Stocks six Hours, &c. 4 *Fac. c. 5.* 21 *Fac. c. 7.*

Constable  
neglecting  
to levy.

Neglecting to levy the said Penalty upon Warrant from one Justice, to forfeit 10 s. 4 *Fac. c. 5.*

Constables, Tithingmen, Churchwardens, &c. are to suppress Drunkenness. 12 *Fac. cap. 7.*

Dyers.

## Constables.

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### Dyers.

The Penalties inflicted on Dyers, for dying Cloth deceitfully, being in Proportion to the Length and Quality of the Cloths, are to be levied by Warrant of two or more Justices, by Constables, &c. if not paid in twenty Days. *Stat. 13 Geo. 1. c. 24.*

Forfeitures within ten Miles of London, shall go one Moiety to the Dyers Company, and the other to the Informer; and beyond that, the whole to the Informer. *Ibid.*

### Excise.

This Head relating to Liquors, I shall place it next to Drunkenness. Constables, upon Warrants to them directed, are to summon all Alehouse-Keepers, &c. to appear before the Commissioners of Excise.

Officers of Excise are to take with them a Constable, when they enter into a Brew-house, Distilling-house, &c. by Night, to gauge Fats or Vessels. *Stat. 12 Car. 2. c. 23.*

Brewers refusing a Gauger to enter in the Night with a Constable, forfeit 20 l. and Makers or Retailers of Cyder, Vinegar, &c. 15 l.

Excisemen suspecting a secret Conveyance of Worts, may, upon Request, and in Presence of a Constable, break open a Door in the Day-time to make a Discovery. *Stat. 7 & 8 W. & M. c. 30.*

Persons opposing them forfeit 20 l. Brewers keeping private Houses, or altering any Tuns, Vessel, &c. without giving Notice, forfeit 50 l.

*Deceitfully dying Cloth, &c.*

*Penalties and Forfeitures.*

*In London.*

*Alehouse-Keepers to appear before Commissioners.*

*Constables to assist Gaugers, &c.*

*Refusing a Gauger Entrance.*

*Secret Pipes.*

*Opposing Officers.*

50 l. one Third to the King, another to the Informer, and the other Third to the Poor.

15 Car. 2. 1 W. & M. c. 24. 8 & 9 W. 3.

**General  
Power of  
Constables.**

Constables, by Warrant from Justices, are to levy the Penalty on Offenders against any Law of Excise, by Distress, &c. And if there be no Distress, to carry them to Gaol, there to remain until Satisfaction be made. Stat.

12 Car. 2. c. 23. 1 W. & M.

**Escapes.**

**Voluntary  
and Neg-  
ligent.**

If a Constable permits a Felon to escape before he is arrested, it is a Misdemeanor, for which he may be indicted, and fined; and if the Felon be actually taken and in Custody, and then he voluntarily suffers him to escape, or to kill or destroy himself, it is Felony in the Constable: But if the Escape is by Negligence, or involuntary, or the Felon destroys himself unawares to the Constable, it is only fineable. Dalt. 379. Cro. Eliz. 752.

**Crime in  
the Con-  
stable.**

A Constable may pursue an Offender making an Escape into another County, and bring him back to the Justice of Peace. Cromp. 148, 173, &c. He may put a Felon in the Stocks, and lock him in; or put Irons upon him, or pinion him to prevent an Escape, when he is about to carry him before a Justice of Peace, or to Gaol. Dalt. 342.

**Constable  
may put  
Irons on a  
Felon.**

**When he  
may dis-  
charge, and  
be no E-  
scape.**

He may discharge any Person arrested on Suspicion of Felony only, where no Felony is committed, but if a Felony be actually committed, he cannot justify the Discharging him, though he knew that the Party is innocent; but it must be done by due Course of



## Constables.

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Law; otherwise it will be an Escape. *Cromp. 40. Cro. Eliz. 202.*

See *Gaol* and *Gaolers*.

## Felons.

A Constable is bound *ex officio* to endeavour To apprehend Felons; and any Offence that is in Degree next to Treason, is Felony, as Murder, Robbery, Theft, Sodomy, Rape, &c. He may raise Men to assist him, apprehend Persons upon Suspicion, and carry them before a Justice to be examined; and upon Complaint, or Common Fame, he may search suspicious Houses, both for the Felon, and Goods stoln. *Dalt. 332.* And Officers may break open a House to take a Felon, or any one suspected thereof.

If Felons and Murderers be in a Town or Village, and the Constable, Headborough, &c. have Notice of it, they are to command Assistance, and apprehend them; and afterwards it is the Constable's Business to see them conveyed to Gaol. *1 R. 3.*

If a Felon fly, the Constable is to seize and make an Inventory of his Goods, and send Hue and Cry after him; that is, he may raise the Town, and give Notice to the next Constable, &c. And if upon such Flight, he is apprehended in another County, he must be carry'd before a Justice of that County where taken, and committed to Gaol there, and not in the County where the Fact was done. *Stat. 13 Ed. 3. c. 3. 27 Eliz. 13.*

Constable neglecting, is fineable by the Justices.

C

Persons

*Pursuit of Felons, Hue and Cry, Inventory of Goods, &c. Neglects, Penalty.*

## Constables.

*Transportation of Felons.*

Persons convicted of Felony, Larceny, &c. within the Benefit of Clergy, to be sent to the Plantations for seven Years, instead of being whipt, or burnt in the Hand: And for Crimes excluded Clergy, may be transported for 14 Years. Returning without Licence, &c. they are to suffer Death. *Stat. 4 Geo. 1. c. 11, &c.*

*Thief-takers.*

Persons taking Money for helping others to stoll Goods, and not prosecuting the Felon, to be guilty of Felony.

*All Persons may arrest.*

Any Person may arrest one that has committed Felony.

## Fish.

*Constables to levy Penalties.*

Constables, &c. are to levy the Penalty of 10 s. for the Poor, and treble Damages, for fishing in a River without the Owner's Consent. *Stat. 22 & 23 Car. 2.*

To levy the Penalty of 10 s. upon Persons fishing in Nets of less Meshes than three Inches and a Half from Knot to Knot, on the Sea-Coast, or in any Haven or Creek, or within five Miles thereof; or using Engines to destroy the Breed of Fish, by Warrant from a Justice of Peace. 3 *Fac. c. 12.*

*Search for Nets.*

They are to search likewise, by Virtue of a Justice's Warrant, in Shropshire, Worcestershire, and Gloucestershire, for unlawful Nets used to take Fish in the Severn, and to seize such Nets, and carry them to the Quarter-Sessions, to be destroyed. *Stat. 30 Car. 2. c. 9.*

*Fishmongers in London.*

Fishmongers of London, ingrossing Billingsgate Market, or buying any Quantity of Fish there, but what shall be for their own Sale and

and Use, forfeit 20 l. one Moiety to the Poor, the other to the Prosecutor. Stat. 10 & 11 W. 3.

Salmon bought by Fishmongers are to be Size of six Pounds Weight, under the Penalty of 5 l. Fish by And fish sold to be of certain Lengths, as new Act. Bret and Turbot sixteen Inches, Brill and 1 Geo. 1. Pearl fourteen Inches, Codlin twelve Inches, Flounder seven Inches, Whiting six Inches, &c. under the Penalty of 20 s. Stat. 1 Geo. 1. c. 18.

## Forcible Entry.

Forcible Entry is a violent Entering into, Forcible and Detaining the Possession of Houses, Lands, Entry, &c. and at Common Law, where a Man had how con- Title to Lands, he might not only enter, but stried at detain by Force: But the Stat. 5 R. 2. c. 7. Common prohibits the Force, though a Person have Law. Title.

This Statute enacts, That Justices of Peace To assist in shall inquire into the Force; and if Con- removing stables refuse to assist the Justices in removing the Force. the Force, or carrying Offenders to Gaol, they may be committed and fined.

## Foreign Goods imported.

Constables, upon Warrants to them direct- To search ed by a Justice of Peace, are to search for Embroi- foreign Bonelace, Embroidery, Needlework, dery, &c. Fringe, Buttons, &c. in Shops, open Ware- houses, and Dwelling Houses, and to seize them. Stat. 13 & 14 Car. 2. c. 2.

*Forfeitures.* Persons importing, selling or offering to Sale such foreign Manufactures, forfeit 100 l. for importing, and 50 l. for selling, and the Goods; one Moiety to the King, the other to the Prosecutor.

*Tradewith France in the late War.* Constables were likewise, during the late War with France, to be assisting in the Execution of the Act, prohibiting the Importation of French Wines, and other foreign Trade with that Kingdom.

## Game.

*To carry Higlers, &c. before a Justice. Penalty of having Game in Custody.* Constables shall carry Higlers, Chapmen, Innkeepers, Victuallers, &c. before a Justice, for having in their Custody Hare, Pheasant, Partridge, Heath Game, or other Game; or Persons as shall buy or sell any such; who shall forfeit 5 l. for every Hare, &c. one Half to the Poor, and the other to the Informer. *Stat. 5 Ann.*

*Constables search for Game.* Constables by Warrant from a Justice, may enter and search the Houses of Persons suspected, not qualified to kill Game; and if they find any Game there, shall carry the Offender before the Justice; and if they meet with any Dogs, Nets, &c. may take away and destroy them. 22 & 23 Car. 2. c. 25. 4 & 5 W. & M. c. 23.

*Persons not qualified to keep Dogs, &c.* Constables may carry any Person not qualified before a Justice, for keeping of Greyhounds, Setting Dogs, &c. and on Conviction they shall forfeit 5 l. *Stat. 5 Ann. & 3 Geo. I. c. 11.*

*Qualification to keep Guns, Dogs, &c.* Persons qualified to keep Guns, &c. and kill Game, are such as have a free Warren, Lords of Manors, or who have 100 l. per Annum



*num* of Inheritance, either in their own Right, or in the Right of their Wives, or for Life; or Lease for 99 Years of 150 *l.* per *Annum*; a Son and Heir of an Esquire, or one of higher Dignity. *Stat. 22 & 23 Car. 2. c. 25.* And Persons thus qualified, may take Guns, &c. from those that are not. By *Stat. 33 H. 8. c. 6.* Persons keeping Guns, not being qualified, forfeit 10 *l.*

The 22 & 23 *Car. 2.* empowers Lords of Manors to appoint Game-keepers. And by 5 *Ann. & 3 Geo. 1.* Game-keepers are to be entered with the Clerk of the Peace; to be qualified, or be Servants to Lords of Manors, under the like Penalties as for unlawful killing of Game. See *Stat. 8 Geo. 1. c. 19.*

Game-keepers of Manors.

## A Warrant from a Lord of a Manor to a Game-keeper.

To all People to whom these Presents shall come, I A. B. of. &c. Esq; Lord of the Manor of, &c. in the County of, &c. have nominated, authorized and appointed, and by these Presents do nominate authorize and appoint C. D. of, &c. to be my Game-keeper, of and within my Manor of, &c. aforesaid, with full Power and Authority, according to the Direction of the Statutes in that Case made and provided, to kill Game for my Use, and to take and seize all such Guns, Greybounds, Setting-Dogs, and other Dogs, Ferrets, Trammels, Hays, or other Nets, Snares or Engines, for the Taking, Killing or destroying of Hares, Pheasants, Partridges or other Game, as within the said Manor of, &c. and the Precincts thereof, shall be kept or used by any Person or Persons not legally qualified

## Constables.

to do the same; And further, to do all and every Thing and Things which belong to the Office of a Game-keeper, according to the Direction of the said Acts of Parliament; For which this shall be his sufficient Warrant. Given, &c.

Entered the Day, &c.

Per I. W. Cler' Pac'.

## Gaming.

To search  
Gaming-  
Houses.

Mayors, Constables, and other Head Officers, are to make Search once a Month where unlawful Games shall be kept, and may arrest and imprison the Masters of the Houses, and the Gamesters, till they give Security not to do the like for the Future. The Master forfeits 40 s. a Day. Stat. 33 H. 8. c. 9. There is a Penalty likewise of 6 s. 8 d. for using unlawful Games; and on Default of Payment, the Offender to be set in the Stocks three Hours. Constables neglecting their Duties, forfeit 40 s. for every Default.

Punish-  
ment of  
Gamesters.

What un-  
lawful  
Games.

Tables, Tennis, Bowls, Cards, Dice, &c. are declared unlawful Games, by the said Statute; but this extends only to Artificers, Apprentices, Journeymen, Servants, &c.

Persons ha-  
ving no  
visible E-  
states.

Persons having no visible Estates, not making it appear that the principal Part of their Maintenance is got by other Means than Gaming, are to be bound to the good Behaviour.

Money lost.

If a Person lose by Gaming 10 l. at one Time, he may recover the same back from the Winner. Stat. 9 Ann.

## Gaol and Gaolers.

When a Constable carries a Felon, or one Gaoler to suspected of Felony to Gaol, the Gaoler is obliged to receive him; but if he refuses to do it, then the Constable may either secure the Prisoner in his own House, or carry him back to the Town where apprehended; and the Town shall be chargeable for the Keeping of him till the next Gaol-delivery, where the Gaoler shall be punished. *10 Hen. 4. Dalt. 310.* Or be punished,

Constables by Warrant from a Justice of Peace, may sell an Offender's Goods to defray the Charges of carrying him to Gaol, being first appraised by some of the Inhabitants of the Place: But if the Offender hath no Goods, then the Town where he was apprehended must be at the Expence; and the Constable and Churchwardens, and two or more of the Inhabitants may impose a Tax, take a Distress for it, after allowed by a Justice, and sell the Distress when appraised by four Inhabitants. *Stat. 3 Jac. c. 10.* Offenders Goods to be sold, to bear the Charges of conveying him to Gaol.

If a Prisoner escape from Gaol by the Negligence of his Keeper, and against his Consent, it is Felony in the Prisoner for the Breach of Prison; and the Gaoler is fineable. *Dalt. 379. Staundf. 32, 34.* If voluntary in the Gaoler, it is Felony in him. Escapes permitted by Gaolers.

Constables are to levy Money for Reparation of Gaols, by Warrant from Justices. *Stat. 11 & 12 W. 3. c. 19.* Repairing of Gaols.

## Constables.

### Gunpowder.

*Search by Constables where more kept than allowed.* In London and Westminster, &c. Constables, by Virtue of a Warrant from two Justices of Peace, may search for Gunpowder in any Storehouse, &c. in the Day-time, where Persons keep a greater Quantity than is allowed by Law; and Justices of Peace, on Demand by any Parish-Officer, or two Housholders, assigning Cause, shall issue Warrants for Search, and Amoval, &c.

*Hindring Search.* Persons obstructing the Search, or Amoval, forfeit 5 *l.* Stat. 5 & 11 Geo. 1. c. 23.

*Guns. Vide Title Game.*

### Hawkers.

Constables refusing to assist in putting the Laws in Execution against Hawkens, &c. forfeit 40 *s.* one Moiety to the Poor.

*Penalties of Hawk-ers without Licence.* Hawkens, Pedlars, &c. travelling without a Licence, shall forfeit 12 *l.* and refusing to shew their Licence, forfeit 5 *l.* Stat. 8 & 9 W. 3. Any Person may seize a Hawker till he produce a Licence.

### Hedge-breakers, &c.

*To be whipt by the Constable.* Hedge-breakers, Robbers of Orchards, Persons cutting Corn growing, &c. committed to a Constable by a Justice of Peace; for not making the Party Satisfaction, are to be whipt by the Constable for the first Offence; and



## Constables.

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and if the Constable neglect his Duty, the Justice may commit him without Bail till the Offender is whipped. *Stat. 43 Eliz. c. 7.*

Procurers and Receivers of stolen Wood, &c. knowing the same, are liable to the same Punishment.

Constables have Power to apprehend Persons suspected of Hedge-breaking, having in their Possession any Underwood, Poles, young Trees, Gates, Stiles, Posts, Rails, &c. And by Warrant from a Justice of Peace, to enter the Houses of suspected Persons, and if they find any, then to take the Offenders, and those in whose Houses, &c. the Wood is found, and carry them before a Justice. *Stat. 15 Car. 2. c. 2.*

Not giving a good Account how they came by the same, to make such Recompence to the Party grieved as the Justice shall appoint, and pay a Sum not exceeding 10 s. for the Use of the Poor; and in Default, to be sent to the House of Correction for any Time not exceeding a Month, or be whipped by the Constable. *Stat. ibid.* Buyers of stolen Wood, to pay treble the Value to the Party from whom taken.

By a late Statute, Persons maliciously cutting or spoiling Timber-Trees, Fruit-Trees, or other Trees, are to be sent to the House of Correction for three Months, there to be kept at hard Labour, and publicly whipped once in every Month. *1 Geo. 1. c. 48.* Burning Timber or Underwood, is made Felony by this Statute.

Where Trees, Woods, &c. are destroyed, or Hedges, Gates, &c. broke open; the Owners shall have Satisfaction from the Inhabitants of the Place, &c. if the Offender be

*To search suspicious Places for stolen Wood.*

*Penalties and Forfeitures.*

*Cutting Timber-Trees, &c. by Stat. 1 Geo. 1.*

*Satisfaction to be made.*

## Constables.

not convicted in six Months. *Stat. 6 Geo. 1. c. 16.*

### Highways.

*Constables  
Power by  
former  
Statutes*

By ancient Statutes, Constables were yearly on Tuesday or Wednesday in *Easter Week*, to call together the Inhabitants, and chuse two Surveyors of the Highways for the next Year, or they were liable to be fin'd in Quarter-Sessions. 2 & 3 Ph. & M. c. 8.

*Altered.  
Lists of  
Persons to  
serve as  
Surveyors.*

But now by the Statute 3 & 4 W. & M. Constables, Churchwardens, &c. and Inhabitants are enjoined to meet the Day after *Christmas-Day*, and the greater Part of them so met, to agree on Persons qualified to serve the Office of Surveyor; a List of which the Constable must return to the Justices of Peace at a special Sessions, on the 3d of *January* following, in Order to their Appointment of Surveyors; under the Penalty of 20 s. The like Penalty for the Constables not serving such Surveyors with the Justices Warrant within six Days after Appointment.

*High Con-  
stables,  
&c. ac-  
countable  
for Fines.*

Constables and Churchwardens have Power to call a Bailiff, or a High Constable to Account for Fines received for Defaults in Reparation of Ways, on Presentments, &c. And if he shall refuse to pass his Account, they may summon him before two Justices, who may commit him till he has satisfied all the Arrears, except 8 d. in the Pound for his own Fee for collecting, and 1 s. in the Pound for the Clerk of the Peace. 2 & 3 Ph. & M.

*Constables  
to put Acts  
in Execu-  
tion.*

By Statute 22 Car. 2. cap. 12. All Constables, as well as Surveyors, are to put the Act in Execution relating to the Repairing  
and

## Constables.

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and Inlarging of Highways, on Pain of forfeiting a Sum not exceeding 40 s. at the Discretion of a Justice of Peace. And are to levy the Penalties relating to Scavengers, and Defaults in cleaning the Streets of London, &c.

See *Surveyors of Highways*, &c. post.

## Horses.

Constables are to assist at *Michaelmas*, or Driving of within fifteen Days after, in the Driving of Commons. Commons, Forests, &c. of Horses and Cattle on Pain of 40 s. *Stat. 32 H. 8. c. 13.*

They are likewise to assist in the Seizing of Stone-Horses, put into Commons where Mares are usually kept, not being of the Age of two Years, and fifteen Hands high, (except in Fen Grounds, where thirteen Hands high is allowed) and in the Measuring of them at the next Pound, to which they are to be brought for that Purpose; on Pain of forfeiting 40 s.

Fens in the Counties of Cambridge, Huntingdon, Nottingham, Lincoln, Norfolk, and Suffolk, are excepted.

## Hue and Cry.

Hue and Cry, as I have already defined in the Head Felons, is a Raising of a Town or Country for the Pursuing and apprehending of an Offender, where a Felony is committed, and he flies for the same; and is most commonly made for Robbery on the Highway.

The

## Constables.

*How made from Parish to Parish, &c.* The Manner of making Hue and Cry is thus: The Constable (upon Notice) describing the Felon, and giving Information which Way he is gone, is to call upon the Parishioners to assist him in the Pursuit in his Precinct; and if the Offender be not there, he is to give Notice to the next Constable, (who is to do like as the first) and he to the next, and so to be made from Town to Town, and County to County, by Horsemen and Footmen to the Sea-side; unless the Offender in the Pursuit is sooner apprehended: And, in the mean Time, the first Constable is to make an Inventory of his Goods in the Presence of his Neighbours. *Stat. 13 Ed. 1. cap. 3. 27 Eliz. cap. 13.*

*Search in the Pursuit.* Constables and Officers of every Town to which Hue and Cry shall come, are to make diligent Search in all suspected Houses and Places within their Limits; and not only Officers, but all others who shall pursue the Hue and Cry, may arrest all such Persons as in their Search and Pursuit they shall find suspicious, and carry them before some Justice of Peace of the County where taken, to be examined where they were at the Time of the Felony committed. *13 Ed. 1. c. 1.*

*Neglect of Duty in Constables.* Constables neglecting their Duty, may be indicted and fined.

*Inhabitants, &c. Punishment.* Inhabitants of any Hundred where Hue and Cry is made, neglecting to pursue it, shall answer one Moiety of the Damages recoverable against the Hundred, where the Robbery is committed. *Stat. 27 Eliz. c. 13.*

See more, Title *Felons.*



## Inns and Inn-keepers.

Inns are allowed for the Relief and Lodging of Travellers. *For what ordained.*

If a common Inn-keeper or Alehouse-keeper shall refuse to lodge a Traveller, or to provide him Victuals, &c. who offers to pay ready Money for the same; the Constable, on Complaint, is to cause such Inn-keeper, &c. to be indicted at the next Sessions, where the Justices may punish him by Fine and Imprisonment. 10 H. 7. c. 8. *Refusing to lodge Persons, provide Victuals, &c.*

If the Traveller does not approve this Method of Proceeding, he may prosecute the Inn-keeper by Action at Law, in any of the Courts at *Westminster*, and recover Damages. *Action at Law.* Dalt. f. 30.

## Juries.

At *Michaelmas* Sessions yearly, Constables, &c. are to give in to the Justices a List of the Names and Places of Habitation (within their respective Limits) of all Persons qualified to serve on Juries, between the Age of 21 and 70. Stat 7 & 8 W. 3. c. 32. *Lists of Jurors.*

The Qualifications are 80 l. per Annum Freehold, for a Grand Juryman; and 10 l. per Annum for a Petty Juryman; except it be in Corporations, where a Freeman worth 40 l. in Goods, may serve on the Petty Jury, by Stat. 23 H. 8. *Qualification of Jurors.*

But Aliens, Apothecaries, Butchers, Clergymen, Infants, Persons attainted for any Crime, &c. may not serve on Juries. *Persons exempted from serving.* Con-

## Constables.

**Punish-  
ment of  
Constables.**

Constables neglecting to return Lists of Names of Persons fit to serve on Juries, shall forfeit 5 *l.* And by the Statute 3 & 4 *Ann. c.* 18. High Constables are to issue their Precepts to Petty Constables, to prepare such Lists, by Virtue of a Warrant from Justices in the Sessions, under the Penalty of 10 *l.*

## Labourers.

**Constables  
may set  
Labourers  
and  
Tradesmen  
at Work,  
in Time of  
Harvest.**

A Constable, *ex officio*, may in Hay or Corn Harvest-time, set Artificers and ordinary Tradesmen on Work by the Day, (being required by Persons who want Labourers) and put those in the Stocks for two Days and a Night who refuse; and the Constable neglecting his Duty herein, forfeits 40 *s.* *Stat. 5 Eliz. cap. 4.*

**Hours of  
working by  
Labourers.**

From the Middle of *March* to the Middle of *September*, Labourers are to work from five in the Morning until seven a Clock at Night, being allowed two Hours for Breakfast and Dinner, &c. and Half an Hour for sleeping, the three hot Months; and all the rest of the Year, from Twilight to Twilight, except an Hour and an Half for Breakfast and Dinner; on Pain of forfeiting 1 *d.* an Hour. 5 *Eliz.*

**Labourers  
conspiring  
together.**

Labourers conspiring together concerning their Work or Wages, shall forfeit for the first Offence 10 *l.* for the second 20 *l.* and for the third Offence 40 *l.* or be set on the Pillory, &c. *Stat. 2 & 3 Ed. 6. c. 15.*

**Wandering  
abroad.**

And if any Labourers wander Abroad out of their Parishes, and refuse to work for reasonable Wages, &c. they are declared Vagrants by the *Stat. 12 Ann.*

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### Land-Tax.

In Collecting the Land-Tax, Constables are to be assisting, and where it is refused Payment, they are to take a Distress, &c. and in the Day-time, with the Collectors, Constables may justify breaking open Houses, by Virtue of a Warrant from the Commissioners.

*Constables to assist in levying the Tax.*

*Stat. 4 W. & M.*

Where Lands or Houses are unoccupied, and no Distress to be found, whereby the Parish, &c. is charged; the Collectors, Constable, or Tithingman of the Parish, or Place, may at any Time after take a Distress upon the Lands, or in the Houses, to reimburse the Parish: And if such Distress be not redeemed within four Days, they may sell the same, and distribute the Money amongst the Parties who contributed to the Tax proportionably, rendring the Overplus to the Owner.

*In what Cases the Parish chargeable.*

*Future Distress on Lands unoccupied.*

Wood may be cut at seasonable Times in the Year; and Tithes, Tolls, or annual Profits, not distrainable, may be seized and sold for Satisfaction of the Tax; where Assessments are made upon such Wood-lands, or Tithes, &c.

*Wood, Tithes, &c. cut and sold.*

### Malt.

Constables, &c. have Power to inspect the making of Malt. They are to search for bad Malt; and if they find any deceitfully made, or mingled bad with good, they may, with the Advice of a Justice, cause the same

*To search for bad Malt, &c.*

same to be sold at reasonable Rates, discretionary in the Justice. *Stat. 2 & 3 Edw. 6. cap. 10.*

*Malt when ill made.*

Malt is adjudged ill made, when it is not steeping, making and drying, three Weeks; if Half a Peck of Dust is not skreened or fanned out of every Quarter; if it be made of mowburnt, or spired Barley.

*Forfeitures*

There is a Forfeiture inflicted by the Statute *supra*, of 2 s. for every Quarter of Malt consisting of bad and good mingled together, and put to Sale, to be divided between the King and Prosecutor: And 20 d. per Quarter, where Half a Peck of Dust is not taken by treading or rubbing, &c. Prosecution to be in a Year.

*Malt-Duty.*

A Duty of 6 d. per Bushel is granted on Malt. Malt made must be entered with Officers of Excise once a Month, on Pain of 10 l. And Malsters using private Cisterns, &c. to forfeit 50 l. &c. *Stat. 8 & 9 W. 3. c. 22. 13 & 14 W. 3.*

*Concealments of Malt from Gaugers, &c.*

Malsters concealing or conveying away Malt from the Sight of the Gauger, shall forfeit 10 s. a Bushel; but Justices of Peace have Power to mitigate Penalties, so as they be not reduced to less than double Duty. *2 Ann. c. 2.*

*Mixing and wetting Corn.*

And Malsters permitting Barley to be wetted on the Floor, or any where but in the Cistern entered, forfeit 2 s. 6 d. a Bushel. *Stat. 6 Geo. 1. c. 20.*

*Malt exported.*

Malt entered and made for Exportation, is not liable to Duty. *12 Geo. 1.*

The Forfeitures *supra* are leviable by Constables, &c.



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### Measures.

Constables, &c. are (by Virtue of a War-*Wine* rant) to levy by Distress, the Forfeitures of *Measures* such as sell Wine by Retail in Glass Bottles, *unsealed*, or other Measures, not lawfully sealed, (*viz.*) 50 s. for every Offence, on Conviction before one or more Justices. *Stat. 2 W. & M.*

Persons beating or abusing Officers, &c. in *Resisting* the Execution of this Act, to be committed *Officers*, till the Sessions, and there fined 5 l.

See more, Title *Weights and Measures*.

### Militia.

Monies charged upon any Person by the *Constables* Lord Lieutenant, or his Deputies, for the *to levy* providing of Arms for Horse and Foot Soldi- *Money* ers in the Militia, are to be levied by Constables by Distress; and if no Distress is to be found, the Constables, by Warrant from the Lord Lieutenant, &c. may commit the Offender till Satisfaction be made.

Horsemen are to be provided with a Broad *Arms to be* Sword, a Case of Pistols of twelve Inches *furnished* long in the Barrel, a Carabine, with Belt and *for Mili-* Bucket, Great Saddle, &c. And Foot-Sol- *tia*, by diers with a Musket five Foot long in the *Stat. 1 &* Barrel, the Gage of the Bore four Bullets of 3 *Geo. 1.* twelve to the Pound, with a Bayonet to fix in the Muzzle, a Cartouch-Box, and a Sword. *Stat. 1 Geo. 1. c. 11.*

Norwich *Stuffs*. Vide *Cloth and Clothiers*.

*Orchards.*

## Constables.

## Orchards.

*Robbers of Orchards, Destroyers of Un-  
Orchards, derwood, &c. shall be whipt by Constables,  
how pun- being ordered by a Justice of Peace's War-  
ished, and rant, for Default in making Satisfaction to  
Penalties. the Party injured: The Satisfaction is at the  
Discretion of the Justice, and the Offender  
to pay a Sum not exceeding 10 s. for the Poor.  
Stat. 15 Car. 2 c. 2.*

See Title *Hedge-breakers.*

## Physicians.

*Constables in the City of London, and with-  
to assist the in seven Miles, are to assist the President of  
College of the College of Physicians, and such who  
Physicians. shall have Authority from him, &c. to put  
the Laws in Execution concerning the said  
College. Stat. 14 H. 8. c. 5.  
The Neglect is a Contempt to the King.*

## Plague.

*Persons in- Constables may command and oblige Per-  
fected, to sons infected with the Plague to keep within  
keep with- their Houses; and if after such Command,  
in Doors. they wilfully go abroad, having any infecti-  
ous Sores upon them, it is Felony; and if  
they have no Sores, they may be bound to  
the Good Behaviour, and punished as Vaga-  
bonds, by Whipping, &c. Stat. 1. c. 31.*

Con-

## Constables.

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Constables neglecting to levy the Money appointed by Justices for Relief of poor Persons infected with the Plague, forfeit 10 s. for every Offence. *Ibid. Stat.*

Justices of Peace, Mayors, &c. are to appoint Searchers, Watchmen, and Buriers of Persons infected, &c.

*Monies for Relief of poor Persons. Searchers, Buriers, &c.*

## Popish Recusants.

In putting the Laws in Execution against Popish Recusants, Constables, &c. are concerned.

They may complain to a Justice of Persons suspected of Recusancy; and such Justice, on their Refusal of taking the Oaths, may commit them till the next Assises or Sessions. 7 *Fac. c. 6.*

*Complaint to Justices of Persons suspected.*

They are to present once a Year, to the Quarter-Sessions, those, who absent themselves from Church for the Space of a Month; and the Names of their Children above nine Years of Age living with them, and such Servants as they retain. *Stat. 3 Fac. c. 4.*

*Present those who absent from Church.*

Neglecting, forfeit 20 s. for every Default: And Popish Recusants forfeit 20 l. a Month for absenting from Church.

Constables are likewise to certify to the Quarter-Sessions, the Names of Popish Recusants convict, who within twenty Days after their Arrival at the Place of their Birth, (having no certain Settlement elsewhere) give in their Names; and the Parson of the Parish is to enter them in a Book for that Purpose. *Stat. 35 Eliz. c. 2.*

*To certify Names of Recusants, &c.*

Popish

## Constables.

*Recusants not to travel above five Miles.* Popish Recusants above the Age of sixteen, are within forty Days after their Conviction, to repair to their usual Dwellings, and not remove above five Miles from thence, on Pain of forfeiting all their Goods, &c. and if they have no certain Place of Residence, then they are to go to the Place of their Nativity, or where there Parents dwell, and within twenty Days to give their Names in Writing, to the Minister, Constables, &c. *ut supra. Stat. Ibid.*

*Register of Estates.* Papists are to Register their Estates, on Pain of Forfeiture, &c. They are incapable to purchase Lands: And no Lands shall pass from Papists by Deed or Will, without Inrollment. 1 & 3 Geo. 1.

## Presentment.

*Particulars presentable.* Constables are to make Presentment on Oath at the Quarter-Sessions, and the Assizes, of all Things within their Knowledge against the Peace, and relating to their Offices; as Affrays, Bloodsheds, Bridges out of Repair, Cottages erected contrary to Law, Drunkenness, Gaming-Houses, Felonies, Forestallors, &c. Nuisances, Disturbers of the Peace, Popish Recusants, Rescues, false Weights and Measures, &c. and generally all other Things mentioned in the particular Oath of Constables.

*Manner of making Presentments.* High Constables, by Virtue of a Warrant from Justices of the Peace, issue their Precepts to Petty Constables, to make Inquiry and Presentment, &c. and they usually make their Returns, and bring them to a Justice



## Constables.

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to sign, and then carry them to the High Constable, who gives Oath that he had them from the Petty Constable.

### *Form of a Constable's Presentment.*

The Presentment of *A. B.* Constable of, &c. in the County of, &c. made at the General Quarter-Sessions of the Peace, held for the said County, the Day, &c.

**T**HE said *A. B.* says and presents upon his Oath, That *C. D.* of the Parish of, &c. in the County aforesaid, does at this Time keep, and has for the Space of one Month past kept an unlawful Gaming-House in the said Parish of, &c. viz. He has permitted Servants, Apprentices, &c. to play at Cards, Dice, and other Games prohibited by Law, to the great Encouragement of Vice, and Disturbance of the Neighbourhood there.

The said *A. B.* likewise further presents upon Oath that *E. F.* of the said Parish of, &c. has lately carried out stinking Carcasses, and other Filth into the Highways, which is a common Nuisance to the Parish, and an Annoyance to Travellers.

The said *A. B.* also presents *G. H.* to be a common Disturber of the Peace.

*Prisons.*

## Prisons.

*The Compters.*

The House of Correction, and the Compters of the Sheriffs of London, are the common Prisons for Offenders for the Breach of the Peace, &c.

*Precaution of Constables.*

To the last, Constables may convey Persons taken up by the Watch late at Night, and who are unruly or suspicious: But they ought to be careful who they send thither, for fear of Actions for false Imprisonment, and Prosecution for Damages, &c.

See Titles *Watch* and *Gaol*.

## Riots.

*To be suppressed.*

Sheriffs, Constables, &c. *ex officio*, are to suppress all Riots, and to commit the Offenders, and all such who break the Peace. *Stat. 17 R. 2. c. 8.*

*What is a Riot, Rout, and unlawful Assembly.*

And it is necessary to be observed, that when three or more Persons assemble together with an Intention of doing any unlawful Act, with Force and Violence, as to beat or wound a Man, pull down a House, Wall, or Hedge, or destroy any Park, Warren, &c. And if they only meet for such a Purpose, without putting their Designs in Practice; this is an *unlawful Assembly*: And if after such assembling, they move forwards to put their Projects in Execution, tho' they do not execute them, this is a *Rout*; and if they do perpetrate and execute what they intended, then it is adjudged a *Riot*: And going in Armour, or

or shewing any Intention of Violence, to the Terror of the King's Subjects, shall be deemed a Riot. *Pulton 24, &c.*

An Assembly of three or more who design no violent Act against the Peace, is not unlawful; and Assemblies on *Midsummer* and *May Days*, Bull-baiting, Bear-baiting, Football, and such Sports, Cudgel-playing, &c. Women meeting in Numbers, Stage-players, &c. are not forbidden by the Statutes; but causing a great Number of Stage-players to assemble is adjudged a Riot. *1 Roll. 9.*

*Assemblies for Sports, &c. lawful*

If three, four, or more Persons, enter into Lands with Force, upon the Possession of another, tho' the Entry be lawful, yet it is a Riot; because Forcible Entries are prohibited by the Statute. *15 Rich. 2. cap. 2. Dalt. 297, &c.*

*Riots in Forcible Entries.*

By the Statute *1 Geo. 1. c. 5.* if twelve or more unlawfully and riotously assemble, a Justice of Peace, Sheriff, Mayor, or other Head-Officer of any Town Corporate, on Notice of such Assembly, shall come as near them as he can with Safety, and make the following Proclamation:

*New Riot Act 1 Geo. 1.*

**O**UR Sovereign Lord the King charges and commands all Persons assembled immediately to disperse themselves, and peaceably depart to their Habitations or lawful Business, on Pain of Imprisonment, or the Penalties inflicted by the Act made in the First Year of the Reign of King George 1. for preventing Tumults and Riotous Assemblies. God save the King.

If the Rioters do not disperse within an Hour after this Proclamation made; or if they obstruct or hinder the Proclamation, or hurt

*Telony.*

## Constables.

hurt him who makes it, it is Felony without Benefit of Clergy; and High Constables, Petty Constables and Persons assisting may seize them, and carry them before a Justice; and if any of the Rioters are killed, he who killed them is indemnified.

*Putting  
down  
Houses.*

Demolishing a Meeting-House, Dwelling-House, Barn, Stable, &c. is made Felony; and the Town or Hundred shall yield Damages to repair

*Act 9 Geo.  
1. c. 23.*

Persons going abroad Arm'd in Disguises, having their Faces blacked, &c. robbing Forests, Parks, Warrens, Fish-ponds, shooting at Persons, sending threatening Letters demanding Money, killing or maiming Cattle, &c. are guilty of Felony.

## Robbery.

Robbery is a felonious Taking away of Money or Goods from the Person of another, in a violent Manner.

*Tax where  
a Robbery  
committed.*

Where Damages are recovered against a Hundred for a Robbery committed on the Highways, and two Justices have set a Tax upon the several Parishes in the Hundred; the Constables in every Parish are to tax particularly every Inhabitant of those Parishes, and levy the same by Distress, &c. *Stat. 17 Eliz. c. 13.*

*Hundred  
chargeable.  
In what  
Cases the  
Hundred  
excused.*

The Hundred is chargeable where a Robbery is committed in the Day-time, of any Day except Sunday: But no Hundred is chargeable if any one of the Malefactors is apprehended in forty Days; or when the Action is not commenced within a Year. *Ib. Stat.*

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A Reward of 40*l.* is ordered by Statute for Robbers apprehending a Robber on the Highway ; and the Apprehenders to have likewise the Horses, Arms, &c. of Robbers. 4 & 5 W. & M.

## Rogues.

Constables are to whip wandring Rogues, Wandring Vagabonds, &c. by stripping them naked Rogues to be whipp'd. from the Middle upwards, and causing them to be flased until their Bodies be bloody, in the Presence of the Minister of the Parish, or some other Inhabitants; and then to send them away to the Place of their Birth, &c. Not endeavouring to seize Rogues, or punish them, forfeit 10*s.*

Persons running away from their Families, Incorrigible and leaving a Charge to the Parish, are to be Rogues. punished as incorrigible Rogues; and if any threaten so to do, without giving Security to the Parish, he may be committed to the House of Correction. *Dalt.* 211.

And Note, Those Rogues are looked upon Who are incorrigible, as appear dangerous to the inferior Sort of People ; threatening or offering such, and any Violence to them, or that will not reform their Punishment. after being once whipped, &c. And by the Statute 1 *Fac.* they were to be punished by burning on the left Shoulder the first Time; and for the next it was declared Felony. But this Statute is repealed ; and by the Stat. 12 *Ann.* an incorrigible Rogue is to be whipped three Market-Days in some Market-Town, and kept at hard Labour so long as the Justices shall think fit: Though if he makes his Escape, it is Felony by this Act.

# Constables.

*Vide more Title Vagrants.*

*Sabbath, see Sunday.*

## Servants.

*Testimoni-  
als by Con-  
stables, &c.*

The Statute 5 Eliz. cap. 4. directs Testimonials to be given by Mayors of Towns, Constables, and two Housholders, to Servants quitting their Services. A Servant not producing a Testimonial to the chief Officer in a Corporation, or to the Constable, Minister, or Church-wardens where he designs to dwell, may be imprisoned till he can get one; and if he do not procure one in one and twenty Days, he is to be whipp'd and punish'd as a Vagabond; and Masters retaining a Servant without such Testimonial, forfeit 5 l.

## A Testimonial for a Servant.

I A. B. of, &c. in the County of, &c. do hereby license my Servant C. D. to depart from my Service, he having served me faithfully; and I do declare the said C. D. is at full Liberty to serve any other Master elsewhere, according to the Statutes in that Case made and provided. Witness my Hand, &c. this Day, &c.

A. B.

We do hereby allow of the above License and Testimonial.

E. F. Constable of, &c. aforesaid.

G. H. }  
J. K. } Housholders there.

This

## Constables.

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This good Statute is of late very little regarded.

See more, Title *Servants* under the Head *Church-wardens*.

## Shoemakers.

Master and Wardens of the Shoemakers Company in London, and Mayors, &c. shall appoint Searchers and Sealers of Leather; Leather not sufficiently tanned, to be forfeited; and being sold before searched and sealed, incurs the Penalty of 6 s. 8 d. Also Shoemakers are to make their Shoes of sufficient Stuff, on Pain of 3 s. 4 d. to be levied by Constables, by Warrant from Justices, &c. *Stat. 1 Jac. 1. c. 22. 13 & 14 Car. 2.*

*Searchers and Sealers of Leather.*

*Bad Leather used by Shoemakers.*

If any Journeyman Shoemaker, within London or the Bills of Mortality, purloin, imbezil, sell, or pawn any Materials for making of Shoes, &c. he shall be ordered by a Justice to make Satisfaction, or to be whipt.

*Journey-men Shoemakers imbezilling, &c.*

Justices of Peace may grant Warrants to Constables to search after such Goods, in the Houses of Persons suspected to have the same. *Stat. 9 Geo. 1. c. 27.*

*Act 9 Geo. 1.*

## Soldiers.

Constables, Tithingmen, &c. are to quarter Soldiers in Inns, Livery-Stables, Alehouses, Victualling Houses, Shops selling Brandy, &c. (Distillers and private Houses excepted.) *Stat. 1 Geo. 1. c. 3.*

*Quartering Soldiers by Constables.*

*New Acts,* Refusing to billet Soldiers, shall be fined of Geo. 1<sup>st</sup>, not exceeding 40 s. nor less than 10 s. And if they receive any Reward to excuse Quarterage; or if Victuallers refuse Soldiers quarter'd, shall forfeit not under 40 s. nor above 5 l. 1 Geo. 1. c. 34. 7 Geo. 1. c. 6. 1 Geo. 2.

*Not to be quartered on private Houses.*

*Account given, &c.*

If any Soldiers shall be billeted on private Houses, without the Owner's Consent, he may have his Remedy at Law; and any military Officer quartering Soldiers otherwise than as directed by Statute, or abusing the Constable, &c. shall be cashiered. Any Justice of Peace may command Constables, &c. to give an Account in writing of the Number of Officers and Soldiers billeted by them, with the Names of the Persons on whom billeted, and their Streets, Signs, &c. to prevent Abuses in the Quartering of Soldiers.

*Pressing Men to serve in the Wars.*

During the late War with *France*, a Constable had Power to press able-bodied Men, having no lawful Employment, or visible Means of Maintenance, by Virtue of a Warrant from three Justices; and to bring them before the said Justices, who were to deliver them to some of his Majesty's Officers appointed to recruit the Army, and such Officers were to pay each Soldier 20 s. and the Constable was to have 10 s. for every Man: If the Soldier listed himself voluntarily, he was advanced 40 s. Stat. 2 & 3 Ann. And these Encouragements were doubled by subsequent Acts.

*And Seamen.*

By 11 & 12 W. 3. Lewd and disorderly Servants, Vagabonds, and sturdy Beggars, were to be sent to serve his Majesty at Sea, by Warrant from a Justice directed to the Constable, &c.



Constables and Church-wardens, are to levy by Distress, Money rated on Persons for Relief of poor maimed Soldiers and Mariners, and pay it to the High Constable. *Stat. Soldiers, 43 E. 1. 2.*

*To levy Money for maimed Soldiers, &c.*

## Sunday.

Search is usually made on a Sunday, by Constables and other Parish Officers, after such as profane the Sabbath, &c.

*Searches made.*

Persons who resort to Wrestling, Bowling, Dancing, or any Sport, on a Sunday, forfeit 5 s. if above fourteen Years of Age, and 1 s. if under, levied by Constables by Warrant of one Justice; and Constables, Church-wardens, &c. are to levy the Penalty of 3 s. 4 d. of such as use Games on a Sunday, for the Use of the Poor, by Distress, for Want whereof the Offenders shall be set in the Stocks three Hours. *Stat. 1 Car. 1. c. 1.*

*Forfeitures for playing, &c. on a Sunday.*

Use of the Poor, by Distress, for Want whereof the Offenders shall be set in the Stocks three Hours. *Stat. 1 Car. 1. c. 1.*

*Using Games.*

If any Person doth any worldly Labour on a Sunday, (except Works of Necessity) he shall forfeit 5 s. And crying or exposing to Sale any Wares; unless it be Milk and Mackerel, incurs a Forfeiture of the Wares to the Poor. Butchers, killing or selling Victuals, are liable to a Penalty of 6 s. 8 d. Carriers or Drovers, &c. travelling, 20 s. and Persons using Boats, &c. on a Sunday, (not allowed by a Justice of Peace) forfeit 5 s. *Stat. 29 Car. 2. c. 7.*

*Working on Sundays, &c.*

If any Persons shall serve any Warrant, Process, &c. on Sundays, (except in Cases of Treason, Felony, or Breach of the Peace) they shall answer Damages as if done without

*Officers serving Warrants.*

## Constables.

Warrant, for false Imprisonment, and the Service be void. 29 *Car. 2. c. 7.*

*Disturbing  
Ministers.*

If any one disturb a Minister in Preaching, Praying, or administering the Sacraments, Constables may apprehend him and carry him before a Justice, &c. 1 *Mar.*

See the general Head *Church-wardens.*

## *Supersedeas.*

*To be obey-  
ed by Con-  
stables.*

If a Constable have a Warrant to execute for Sureties of the Peace; and afterwards having a *Supersedeas* from the Court of Chancery, or from another Justice, &c. to discharge the Sureties, he still insists upon having the Party find Sureties, and he refuse, and is detained, it is false Imprisonment in the Constable. *Dalt.*

## *Swearing.*

There are several good Laws made for the Prevention of this Crime.

*Penalties  
to be levied  
by Constables.*

And Constables are to levy the Penalties of Offenders, which are 1 *s.* for a Servant, Labourer, &c. and 2 *s.* for every other Person, to the Poor; and double for the second Offence, and treble for the Third, to be levied by Warrant of one Justice, &c. *Stat. 6 & 7 W. & M. c. 11.*

*Corporal  
Punish-  
ment of  
Offenders.*

If there be no Distress for levying the Penalty for prophane Swearing, the Offender is to be set in the Stocks one Hour for the first Offence, and two Hours for further Offences, if

## Constables.

55.

if above sixteen Years of Age; and if under, to be whipp'd.

## Tithes.

Constables and Headboroughs, by Virtue *To levy* of a Warrant from two Justices, are to levy *Monies ad-* Money adjudged for refusing the Payment of *judged.* small Tithes, by Distress, and Sale in three Days; and they may retain the Charges for making the Distress.

Two Justices have Power to summon the *By two* Party, hear the Complaint by Witnesses on *Justices.* Oath, and give Judgment by making an Allowance for the Tithes, and ordering Costs not exceeding 10 s. *Stat. 7 & 8. W. 3. and 3 & 4 Ann.*

The Tithes are to be under 40 s. *per Ann. Small* And Tithes due from Quakers, under 10 l. *Tithes.* are thus recoverable. 1 Geo. 1. c. 7.

## Tobacco.

Constables, &c. upon Information of To- *To be de-* bacco, set, sown or planted, in any Ground, *stroyed un-* (except Physick Gardens,) are to destroy the *der certain* same within fourteen Days after receiving a *Penalties.* Warrant from two Justices of the Peace to that Purpose, on Pain of forfeiting 5 s. for every Rod unconsumed. *Stat. 22 & 23 Car. 2. c. 26.*

Persons resisting the Officers shall forfeit *Resisting* 5 l. to be levied by Distress and Sale, or be *Officers.* committed for three Months; and Persons refusing to assist the Constable forfeit 5 s. or to be committed for a Week.

*Search to be made by Constables.* Constables, upon Warrant, are to make a Search, and present Offences of planting Tobacco, &c. at the next Quarter-Sessions. *Stat. 22 & 23 Car. 2.*

*Leaves coloured.* Cutting Walnut-Tree Leaves, and other Leaves, or Colouring them to resemble Tobacco; or selling them mixed with Tobacco, incurs a Forfeiture of 5 s. per Pound. *1 Geo. 1. c. 46.*

### Vagrants.

*Stat. 12 Ann.* The Particulars relating to Constables in the late vagrant Act, for reducing all the Laws on that Subject into one, are as follow.

*Apprehension of Vagrants. Vagrants describ'd by the Act.* Constables, or other Inhabitants, are to apprehend Vagrants, and carry them before a Justice of Peace: And wandering Patent-Gatherers, and Collectors for Prisons, Fencers, Bear-wards, common Players of Interludes, Juglers, Gypsies, or Persons wandering in their Habit or Form; Pretenders to Physiognomy, Fortune-Tellers, Users of subtle Craft, or unlawful Games; able-bodied Persons, who run away and leave their Wives or Children to the Parish; Persons refusing to work for common Wages, not having otherwise to maintain them; and other idle Persons wandering abroad and begging (except Soldiers, Mariners, &c. licensed by a Testimonial from Justices) are adjudged Vagrants. *Stat. 12 Ann. Sess. 2. c. 23.*

*Neglecting to apprehend.* Constables, or Officers neglecting to apprehend them, is a Breach of Duty; and any other Inhabitants refusing to apprehend Vagrants, being charged by a Justice, forfeit 10 s. to the Poor, to be levied by Distress.

As



## Constables.

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As a Reward for Apprehension, a Justice of Peace may by his Warrant order the Constable or other Officer where a Vagabond was found begging, unapprehended, to pay 2 s. to the Person apprehending, and a Recompence for Trouble and Loss of Time is to be satisfied. *Reward for Apprehension.*

Constables in their several Divisions are to make a general privy Search for Rogues, Vagabonds, &c. before the Quarter-Sessions, by Virtue of a Warrant from Justices of Peace, and to carry such as they find before the said Justices, &c. *Privy Search for Vagrants.*

Where any Person is apprehended and brought before a Justice of Peace, he is to examine of his Condition and Circumstances, and Place of Abode or Birth, upon Oath as well of the Party as of any other; the Substance of which is to be transmitted to the Quarter-Sessions to be recorded: If it appear such Person has obtained any legal Settlement, then he is to be sent to such Place; if it cannot be found he hath gain'd any legal Settlement since his Birth, then the Justice or Justices are by Pass under Hand and Seal, (directed to the Constables where the Vagabond was apprehended) to cause such Person to be conveyed to the Place of Birth; if he be under the Age of fourteen, and have Father or Mother living, to the Abode of such Father or Mother; and if that be not known, to the Parish or Place where found last begging, and passed unapprehended, and there delivered to the Constable. *Vagrants to be examined by Justices.*

Persons refusing to be examined upon Oath, or giving a false Account of themselves, their Birth, Settlements, &c. shall be deemed incorrigible Rogues. *And sent by Pass to Places of Settlement, &c.*

*Refusing to be examined.*

*Certificates* The Justices who make the Pass, shall at the same Time to give the Constable a Certificate, ascertaining how the Vagrant is to be convey'd, either by Horse, or on Foot, and to what Place, and in what Time, and the Allowance to be made to the Officer, Constable, &c. Counterfeiting the Certificate, altering the Sum, &c. forfeits 20 l. one Moiety to the Poor, the other to the Informer.

*Constable's Duty in conveying Vagrants.* The Constable is to pursue the Directions in the Pass and Certificate, and pass the Vagrant the direct Way to the Place where he is ordered to be sent, if it is in the same County where he is apprehended; if not, then to the first Town of the next County nam'd in the Pass or Certificate, and deliver him to the Constable or Headborough there; together with the Pass, taking a Receipt of the Delivery upon the Back of the Certificate.

*Pursuing the Pass in another County, &c. Vagrants to be whipt.* Such next Constable or Headborough must forthwith carry the Vagrant before a Justice, &c. to be stript and whipt, or be sent to the House of Correction for two or three Days; from whence he is to be conveyed with the aforesaid Pass, but with a new Certificate, to the next County, and so from County to County to the Place first ordered.

*Constables examined.* A Justice may examine a Constable upon Oath touching such Conveying; and if he refuses to be sworn, or neglects his Duty in any Thing, then he is to lose the Sum allowed by the Certificate.

*Reimbursed their Expences &c.* When a Petty Constable has convey'd the Vagrant to the Place ordered by the Pass, on his bringing to the High Constable such Certificate as aforesaid, with the Receipt from the

the Constable or other Officer to whom the Vagrant was delivered, the Chief Constable shall pay such Petty Constable the Allowances ascertained in the Certificate, and no more, taking the said Certificate and his Receipt, which is to be allowed the Chief Constable by the Treasurer of the County.

Justices in Sessions are to appoint Allowances for passing Vagrants at so much a Mile, or otherwise; and make Orders for raising Money for that Purpose, to be paid quarterly to the High Constables. And Rates for reconveying, being likewise appointed by Justices of Peace in the Sessions, the Constable must make Oath before a Justice of what Expenses he is at in reconveying Vagrants to *Ireland*, or any Place abroad; whereupon the Justice is to direct the Payment by an Order under Hand and Seal.

*Rates to be appointed by Justices.*

Vagabonds brought from *Ireland*, and apprehended here begging, may be put on Board any Vessel in Order to be reconveyed: And a Master of a Ship bringing over a Vagrant from any of the Plantations, being a Native thereof, shall forfeit 5*l.* for every Vagabond found begging here.

*Vagrants brought from beyond Sea.*

A Constable where such a Vagrant is found begging, may cause him to be whipped, and afterwards put on Board any other Vessel in Order to be sent back again; paying so much *per Head*, as the Sessions shall appoint, and the Master must give a Receipt on the Back of the Justice's Warrant for the Money paid him by the Constable for Transportation.

*To be whipt and reconveyed.*

A Master of a Ship refusing to take him on Board, forfeits 5*l.* to the Use of the Poor.

*Masters of Ships refusing, Penalty.*

Vagrants

*Vagrants bound Apprentices to the Plantations.* Vagrants having no legal Settlement, who having been common Beggars for two Years, and incorrigible Rogues, may be bound Apprentices for seven Years, and sent to the Plantations.

*Beggars to be whipp'd by Constables.* A Constable on Complaint of Inhabitants, is to remove loose, idle, and disorderly Persons, Blind, Lame, &c. from begging in the Streets, and Highways; and on their Refusal to be gone, if they beg a second Time, may cause them to be whipt.

*Constables neglecting their Duty.* Constables, &c. neglecting or refusing so to do, shall forfeit 10 s. for each Offence: And failing in their Duties in apprehending and conveying Vagrants; or any Person disturbing them in the Execution of their Office, rescuing Vagrants, &c. incurs a Forfeiture of 20 s. for the Use of the Poor, to be levied by Distress.

*Wandering Lunatics treated as Vagrants.* Furious Lunatics wandering, may be apprehended and passed to their legal Place of Settlement in the same Manner as Vagrants are to be sent (whipping excepted), but the Expence is to be defrayed out of their Estates by Order of Justices, if they have any; and if they have none, the Charges to be raised by such Ways as Monies are raised for the Poor.

*Persons taxed for passing Vagrants.* By the Statute 13 & 14 Car. 2. c. 12. Constables, &c. and other Inhabitants, may tax Persons chargeable to reimburse their Charges for conveying Vagabonds, &c. to the House of Correction, and for other Parish-Charges: And the Persons to be taxed are every Inhabitant of the Parish, viz. the Parson, Vicar, and all Occupiers of Houses, Lands, Tithes and Woods; but a Landlord is not to be taxed in Respect of his Rent:  
And



## Constables.

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And this Tax or Rate must be confirmed under the Hands and Seals of two Justices.

### *A Pass of a Vagrant to his Place of Birth.*

*Whereas* I. B. being about the Age of, &c. was apprehended in the Parish of, &c. aforesaid, there wandering and begging, and committing other Acts of Vagrancy, and brought before me I. S. Esq; one of his Majesty's Justices of Peace, for the County aforesaid; and upon Examination of the said I. B. and of, &c. taken upon Oath, it doth appear that the said I. B. was born at, &c. in the County of, &c. and that the said I. B. hath not obtained any legal Settlement elsewhere: *These are therefore* to command and require you to convey the said I. B. the next direct Way to the Parish of, &c. and there deliver him to the Constable, &c. that being the first Town or Parish in the next County or Precinct, through which he ought to pass to the said Parish of, &c. to be thence conveyed on according to the Direction of the late Act of Parliament, to the said Parish of, &c. in the County of, &c. aforesaid. And I do hereby allow the Space of three Days for his passing to the said Parish of, &c. Given, &c.

### *A Receipt from the next Constable, on Delivery of a Vagrant.*

I A. B. Constable of, &c. in the County of, &c. do hereby Acknowledge that I have received this Day, &c. of and from C. D.  
Con-

## Constables.

Constable of, &c. in the County of, &c. E. F. and G. H. Vagrants, by the said C. D. brought hither in their Way to, &c. by Virtue of a Pass granted by, &c. Witness my Hand, &c.

### Watch.

*When to be set.*

Constables of Towns are to cause Night-Watches to be set from Sun-set to Sun-rising, with four Men or more, (in a City six Men at every Gate) who must be able Persons, Inhabitants of the Place, and watch by Turns. *Stat. Winchester c. 4.*

*Refusing to serve on the Watch.*

Persons refusing to serve on the Watch, on Complaint to a Justice of Peace, he may bind them to the good Behaviour; and some Authors are of Opinion, that the Constable has Power to set the Party in the Stocks for Contempt: But this seems rather to be when a Watchman appointed is not orderly in the doing of his Duty. *Dalt. 240.*

*To apprehend Night-Walkers, &c.*

These Watchmen are to apprehend Night-Walkers, Vagabonds, Persons going armed, &c. and they may arrest Strangers in the Night, and examine them, and if they find Cause of Suspicion, secure them till the Morning; and whether they be Horsemen, or Footmen, or Drivers of Cattle, Carriages, or that shall carry Burdens, the Watch may stay 'em till the Morning, unless they can render a good Account of themselves, their Company, and Carriage, &c. *Dalt. 240.* Constables shall be aiding and assisting to the Watch; and the Watchmen are to obey their Orders, in conveying Offenders to the Counter, &c.

*Convey them to the Counter.*

*Arrest by the Watch.*

If any will not obey the Arrest, the Watch may make Hue and Cry upon them; and for such

such Arrest of a Stranger, (especially one suspected) none is liable to Punishment.

## Weights and Measures.

There is to be one Measure, &c. throughout the Kingdom. *Magn. Chart. 9 H. 3.*

Every City, Borough, and Town, is to have a common Ballance, at which the Inhabitants may freely weigh their Goods bought and sold, and sealed Weights in the Keeping of the Head Officer or Constable there; otherwise the City forfeits 10 l. the Borough 4 l. and the Town 40 s. to the King. *Stat. 8 H. 6. c. 5.*

Measures and Weights of Brass, are to be sent to every City and Borough; and Mayors or Chief Officers in Cities and Boroughs, shall have a special Mark for sealing of Weights and Measures, and take one Penny for sealing a Bushel, and a Half-penny for every other Measure, and for every Hundred-weight 1 d. Half a Hundred a Half-penny, every less Weight a Farthing; and if they refuse or delay to seal, shall forfeit 40 s. sealing any Weight or Measure not agreeable to the Standard; or suffering Persons to sell or buy by other Measures, &c. incurs a Forfeiture of 5 l. *7 H. 7. c. 4.*

*Weights and Measures to be sealed, under Penalties.*

Mayors, &c. shall view all Measures and Weights, once a Year; break or burn those which are defective, and inflict a Penalty of 6 s. 8 d. *Stat. 11 Hen. 7. c. 4.* Also an Indictment will lie for selling by false Weights and Measures, it being an Offence at Common Law as well as by Statute.

*And viewed by Mayors, &c.*

Consta-

*Measures  
to be ex-  
amined by  
Constables.*

Constables may search and examine if any Persons use other Measures than such as are *Winchester* Measure, and agreeable to the Standard in the Exchequer, and sealed, &c. and if they find any unsealed, they may break them, and present the Offenders at the next Quarter-Sessions. *Stat. 22 Car. 2. c. 8.*

*Selling in  
unlawful  
Measures.*

Persons selling Corn or Salt by any Bushel or Measure not according to the Standard ; and struck even with the Brim, forfeit 40 s. and the Corn, &c. *Stat. 22 Car. 2.*

Bakers selling their Bread under Weight, &c. vide *Bakers.*

### *Wrecks.*

*12 Ann.*

Constables are to call Assistance by Command of Justices, and endeavour to preserve Ships in Danger of a Wreck, near the Sea-Coasts ; and Officers of Men of War are to be aiding, &c. under the Penalty of 100 l. *Stat. 12 Ann. c. 18.*

### *Warrants.*

*Warrants  
when to be  
executed.*

A Constable is not to dispute a Justice of Peace's Warrant ; but is to execute the same with all convenient Speed ; and if the Justice exceeds his Authority, (that is if he grants a Warrant to arrest a Person for Breach of the Peace, without Cause, &c.) the Constable is excused ; but if a Justice issues a Warrant to be executed out of his Jurisdiction, where he has no Authority, and he is not a proper Judge, the Constable will be punished if he executes it. *14 H. 8. c. 16. Lamb. 67. Dalt. 465.*

*And when  
not.*

And



And it is the same if the Constable execute a Warrant, that has apparent Mistakes in the Penalty required to be levied; or out of his Precinct. *Dalt.* 464.

But it is said if a Warrant is directed to a Constable by Name, commanding him to execute it, tho' he is not compellable to go out of his Parish, yet he may if he will, and shall be justified by the Warrant in so doing; but if it is directed to all Constables generally, and to none in particular by Name, there a Constable out of the Precinct cannot execute it. *Dalt.*

If a Warrant be general, &c. to bring an Offender before the Justice who grants it, or any other Justice, &c. the Constable may carry the Party before any Magistrate, at his Election; 5 Rep. *Foster's Case*. But where the Warrant directs the Bringing the Party before the Justice that granted it, the Constable must carry him before that Justice, and none other.

A Constable or any sworn Officer, need not shew his Warrant, when he comes to serve it; acquainting the Person with the Contents is sufficient: And if an Officer say, *I arrest you in the King's Name*, tho' he be no sworn Officer, the Party must obey at his Peril, he having a lawful Warrant. 9 Co. 69.

In Cases of Treason, Felony, or Breach of the Peace, where the King is Party, a Constable may by Warrant from a Justice of Peace, break open an House to take a Criminal; but he ought first to demand the Opening of the Doors, and to signify to the Person the Cause of his coming. *Cromp.* 171.

A Constable may not retake an Offender after he has arrested him and let him go upon his Promise to return and appear before a Justice,

*Constables not to act out of their Parishes.*

*Before what Justice Offenders to be conveyed.*

*When a Warrant is to be shewn on Arrests. Words an Arrest.*

*Constable's Power in apprehending Felons, &c.*

*By Warrant.*

*Without a Warrant, a Constable apprehend a Person without a false Imprisonment.* ffice, by Virtue of his first Warrant. And if a Constable apprehend a Person without a Warrant, and obtain one afterwards, 'tis false Imprisonment; also if a Warrant is granted against a particular Person by Name, and he apprehends another of the same Name, such

*Arresting one Person for another.*

*Contempt to a Justice's Warrant.*

Taking is wrongful; but if there are two Persons of one Name, and the same Additions, and the Constable arrests a wrong Person, 'tis no false Imprisonment. *Dyer 244. Dalt. 464.*

If any Person throw into the Dirt, tread under Foot, or shew any other Contempt to a Justice of Peace's Warrant, he shall be bound to the good Behaviour, and may be indicted and fined. *Crompt. 149.*

A Justice of Peace's Warrant to a High Constable, to issue his Precept to Petty Constables, to make Presentment of Offences at the Quarter-Sessions.

*To A. B. Constable of the Hundred of, &c.*

*Berks, ss.* **T**Hese are, in his Majesty's Name, to command you to issue your Precepts to the several Petty Constables in all and every the Precincts within your Hundred, requiring them to make true and faithful Presentment at the next General Quarter-Sessions of the Peace to be holden for this County, at, &c. on, &c. of all and every the Offences committed in their several Limits, which they

are

are by their Oaths obliged to inquire into, viz. Affrays, Bloodsheds, &c. (*Here set forth the Particulars*) and that you do then and there appear at the said General Quarter-Sessions, to make Return of this Warrant, and do herein as the Acts of Parliament direct; hereof fail not at your Peril. *Given* under our Hands this Day, &c. *Anno Domini*, &c.

## *The High Constable's Precept to Petty Constables, to make such Presentment.*

*Berks, ff.* **B**Y Virtue of a Warrant to me directed from *A. B. C. D. &c.* Esqs; Justices of the Peace within the County aforesaid; *These* are to Charge and Require you to make your personal Appearance at the General Quarter-Sessions of the Peace to be holden at, &c. on, &c. next, for this County, and bring with you thither fairly written, all your Presentments of Treasons, Felonies, Murders, Robberies, Thefts, Riots, Routs, Bloodsheds, Rescues, Hues and Cries not prosecuted, Gaming-houses, Drunkenness, Fore-stallers, Cottages erected against the Statute, Bridges and Highways out of Repair, common Nuisances, Bawdy-houses, Disturbers of the Peace unlicensed, Alehouse-keepers and Disorders in Alehouses, false Weights and Measures, Watches and Wards not kept, and generally all Manner of Trespasses and Offences whatsoever, inquirable by you, and committed within your Precincts, to the End the Offenders may be proceeded against according to Law. *Given* under my Hand, &c. See

See the Form of *Presentments of Constables* under Title *Presentment*.

*The High Constable's Warrant to make a privy Search.*

**B**Y Virtue of a Warrant to me directed from A. B. and C. D. Esqrs; two of his Majesty's Justices of the Peace for this County, acting within the Hundred of, &c. aforesaid; *These* are to Command you to make diligent Search and Enquiry within your Precincts upon *Monday* next in the Night-time, after Rogues, Vagabonds, and sturdy Beggars, and all such Persons as are suspected to keep Bawdy-houses, and the Frequenters thereof, and also all Disturbers of the Peace, &c. and to apprehend them, and bring them before, &c. upon *Tuesday* next by ten of the Clock in the Forenoon to be dealt with according to Law: Hereof fail not. Dated, &c.

*A High Constable's Precept to Petty Constables, to prepare Lists of Jurors.*

**B**Y Virtue of a Warrant from, &c. Justices of Peace, at the General Quarter-Sessions held for the County aforesaid, at, &c. on, &c. last past: *These* are to require you to make and prepare a sufficient List of Persons qualified to serve on Juries, viz. of the Names and Places of Habitation of Persons between the Age of twenty-one and Seventy, having

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## Constables.

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80 l. per Ann. to serve on the Grand Jury, and of those as have 10 l. per Ann. Freehold, to serve on the Petty Jury, (Aliens, Infants, Apothecaries, Clergymen, Conspirators, or Persons attainted excepted,) and that you do make a Return of the said List at the next General Quarter-Sessions (*Michaelmas*) to be held for this County. *Given, &c.*

### *A Warrant from a High Constable to a Petty Constable to levy Gaol-Money.*

**B**Y Virtue of a Warrant to be directed by his Majesty's Justices of the Peace assembled at the General Quarter-Sessions held, &c. for this County; I do hereby require you to levy of all and every the Inhabitants in your Parish, the Sum of, &c. towards the Reparation of the County Gaol, which said Sum is thought fit by the Justices aforesaid, to be raised in your Parish, by an equal Taxation; and if any Person shall refuse to pay his or their Parts of the said Tax, four Days after demanded, that then you do levy the same by Distress and Sale, &c. within a further Space of four Days, returning the Overplus, after deducting the Charges of the Distress, to the Owner. *Given, &c.*

### *High Constable's Warrant to levy Money for Repairs of Bridges.*

**B**Y Virtue of a Warrant to me directed by his Majesty's Justices of Peace, &c. (*ut supra*) These are to require you to levy the

## Constables.

Sum of, &c. of all and every the Inhabitants in your Parish, by an equal Assessment, towards the Repairs of the County Bridges; and that you do pay the same to me on, &c. next at, &c. in order to my carrying and accounting for the same to the Quarter-Sessions. Given, &c.

### *A Receipt for Money for passing Vagrants.*

**R** Eceived this Day, &c. of A. B. High Constable of the Hundred of, &c. the Sum of, &c. for conveying C. D. a Vagrant, to the Town of, &c. being the Sum ascertained in the Justice's Certificate within mentioned. *Witness my Hand, this, &c.*

E. F. Petty Constable of, &c.

If an Action be brought against a Constable, Church-warden, &c. for any Thing in the Execution of their Offices, they may in all Cases plead the general Issue, and give the special Matter in Evidence; and if the Plaintiff is nonsuited, discontinued, or a Verdict be for the Defendant, he shall have double Costs. 25 Jac. c. 12.

OF  
CHURCH-WARDENS  
AND  
OVERSEERS  
OF THE  
POOR,

Their Duties and Offices, &c. in  
all Cases.

Church-wardens are very ancient Officers, and by the Common Law they are in the Nature of a Corporation to take Care of the Goods of the Church; the Property whereof is in them, but they have nothing to do with the Lands.

*Church-wardens a Corporation.*

They are elected by the Canon. 1 Jac. 1. How elected by the Minister and Parishioners, or by their joint

## Church-wardens and

joint Consent, in *Easter-Week*, yearly; and if they happen to disagree, then the Minister is to chuse one, and the Parishioners another; unless there be a Custom to the contrary, which must be observed. 2 *Roll. Abr.* 287.

*And sworn  
in their  
Offices.*

When a Church-warden is chosen by Virtue of any particular Custom, the Archdeacon is to swear him, though the Election be against the Canon; and if he refuses, a *Mandamus* lies to compel him. 3 *Cro.* 551.

*Temporal  
Officers.*

An Archdeacon refusing one that is chosen, and appointing another against the Consent of the Parish, the Court of King's Bench will issue out a special Writ to the Bishop to swear him; and a Church-warden being a temporal Officer entrusted with the Parish Goods, the Parishioners may chuse and put in Trust whom they think fit. 1 *Vent.* 266.

*Church-  
wardens to  
see Persons  
come to  
Church.*

*Persons not  
to talk idly  
at Church,  
&c.*

*To see that  
Ministers  
be licensed.*

Besides the Care of the Repairs of the Church, Seats, &c. which I shall mention hereafter; Church-wardens are to see that the Parishioners come to Church every *Sunday*, and to present the Names of such who absent to the Ordinary; or levy 1s. for every Offence. *Stat. 1 Eliz. c. 1.*

They are not to permit any to stand idle, walk or talk in the Church or Church-yard, to take Care that no Persons sit in the Church with their Hats on, or in any other indecent Manner; that none contend about Places, &c. and they may chastise disorderly Boys, &c. *Can. 18.*

They shall suffer no Man to preach within their Churches or Chapels, without producing their Licence; and take Care that all Persons excommunicated be kept out of the Church. *Can. 50, 85.* and to see that Peace be duly kept in the Congregation.

They



## Overseers of the Poor.

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They are to apprehend those who disturb the Minister, &c. and bring them before a Justice of Peace; and disturbing the Minister by Statute 6 Ed. 6. was 3 Months Imprisonment; but by 1 W. & M. to disturb a Congregation, misuse a Teacher, &c. incurs a Forfeiture of 20 l. recoverable in the Quarter-Sessions.

*Apprehend Disturbers of the Congregation.*

Church-wardens, &c. are to search Ale-houses on Sundays, and if they find any Persons therein, during Divine Service, they are liable to a Forfeiture of 3 s. 4 d. and the Master of the House 10 s. Stat. 1 Jac. c. 5.

*Search Alehouses.*

They are to execute Warrants against such who profane the Lord's Day; and levy the Forfeiture of 1 s. &c. on those who curse or swear, by Warrant from a Justice, &c.

*Profaners of the Lord's Day.*

Persons doing any worldly Labour on a Sunday, Butchers killing or selling Meat, Carriers travelling, &c. See Constables.

Church-wardens are to keep the Keys of the Belfry, and take Care that the Bells be not rung without good Cause, to be allowed of by the Minister and themselves. Can. 88.

*Church-wardens to keep Keys of the Belfry.*

And they are to make Presentment upon Oath, (usually twice a Year) especially at the Visitation of the Bishop, of the several Articles following, viz. Whether there be a Box for Alms in the Church; the Bells and Bell-Ropes are in Repair; there be a Bible, Common Prayer-Book, and Book of Canons; a Desk for the Reader, Cushion for the Pulpit and a Surplice; a Communion-Table, Table-Cloth, Cups and Covers for Bread, Flaggons and Font; a Carpet, a Register-Book and Chest with three Locks; King's Arms set up, Grave-Stones and Monuments well kept; Lord's Prayer, Creed and Commandments in

*To make Presentment of Things belonging to the Church.*

E

fair

fair Letters ; the Church-yard well fenced, Church and Chancel and Parsonage-House in Repair, &c.

*Things concerning the Parson.*

Whether the Parson reads the Thirty-nine Articles twice a Year, and the Canons once a Year, preach every Sunday good Doctrine, read the Common Prayer, celebrates the Sacrament, reads the Homilies, observes the 30th of January, the 29th of May, and the 5th of November, preach in his Gown, wear a Surplice, visit the Sick, bury the Dead, catechise Children, baptise with Godfathers, marry according to Law, live a sober Life.

N. B. Parsons resident on Livings not reading the Common Prayer once a Month, forfeit 5*l.* 13*s* & 14 *Car.* 2. And marrying Persons without publishing the Banns or Licence, they shall forfeit 100*l.* and the Persons married 10*l.* 7*s* & 8 *W.* 3.

*Things relating to the Parishioners.*

If any of the Parishioners are Adulterers, Fornicators, Drunkards, Swearers, Blasphemers, resort to Alehouses, &c. in Time of Divine Service, work on Sundays, not repair to Church, Alms-Houses or Schools abused, Legacies given to pious Uses, Baptism neglected, Women not coming to be churched, marrying in prohibited Degrees, (of which there is to be a Table,) marrying without Banns, Licence, or at unlawful Hours, if Sacraments received three Times a Year of all above sixteen ; Seats, if Parishioners are placed in them without Contention, &c. and if they refuse to make Presentment, the Parson and Vicar may present.

*To repair Seats, and when dispose of Places.*

The Church-wardens are to repair the Seats in the Church, and dispose of the same ; but this is in Subordination to the Bishop of the Diocese, who ought of common Right to place

place or displace Such as shall sit therein, unless Custom or Prescription interposeth; there his Jurisdiction ceaseth, and the Temporal Courts give Remedy in Case of Disturbance, &c.

But Church-wardens may not prescribe for a Right, (though they have generally the Disposition of the Seats, appointing Gallery-Keepers, &c. except in Cathedrals) for the Ordinary's Desisting from acting; they being only a Corporation capable of Goods, and not of Inheritance. *Roll. Abr.*

*Appoint  
Pew keep-  
ers, &c.*

If there be a Custom in a Parish, that the Church-wardens are to repair the old Seats and erect new ones, and to appoint who shall sit in them; and they do erect a new Seat in the Body of the Church, and appoint a certain Person to sit there; and after the Ordinary decree that another shall have the Seat: In this Case a Prohibition lies against him, for the Custom hath fixed the Power of Disposing the Seats in the Church-wardens. *Roll. Abr. 288.*

*Church-wardens to  
repair and  
dispose of  
Seats.*

*By Custom.*

The Grant of a Seat to one and his Heirs is not good. The Church wardens of D. by Virtue of their Custom disposed of a good Seat to one; and the Ordinary granted the same Seat to another and his Heirs, whereupon a Prohibition was granted. *Winch. Rep.*

*Grants of  
Seats not  
good.*

The Parson impropriate has a Right to the chief Seat in the Chancel, because he ought to repair it; but by Prescription, another Parson may have it. *Noy's Report, Gilson versus Right &c al.*

*Seat in  
the Chan-  
cel.*

By the Common Law, the Church and Church-yard are the Freehold of the Parson; but the Use of the Body of the Church, and

*Body of the  
Church.*

## Church-wardens and

the Repairs thereof, common to all the Parishioners.

*Family  
Seats, Re-  
pairs give  
the Title.*

A Man may have a Seat in a Church appendant to his House or Estate, and prescribe that he and his Ancestors, or those whose Estate he hath, usually sat there and repaired the Seat; but one cannot prescribe to a Seat in the Body of the Church generally, without shewing that he and all those he claims from, have Time out of Mind repaired it. *Roll. Abr. par. 2. 288.*

*Isles pecu-  
liar to Fa-  
milies.*

The Case is the same in an Isle of a Church: For a Prescription for a Man to sit there with his Family and repair it, makes the Isle peculiar to his House, and he cannot be displaced by any Body. *Cro. 367.* And the Ordinary, &c. hath no Power over Seats in private Chapels, belonging to particular Families. *Roll. Abr.*

*Erecting  
Pews,  
hanging up  
Bells, &c.*

But if a Man erect a Pew in a Church; or hang up a Bell in a Steeple, they thereby become Church-Goods, (tho' they are not expressly given to the Church) and he may not afterwards remove them; if he does, the Church-wardens may sue him. *Stat. 10 H. 4.*

*Church-  
wardens  
Duty in  
repairing  
the Church.*

Church-wardens are to see that the Body of the Church and Steeple are in Repair; but the Chancel is to be repaired by the Parson: And the Church-wardens are not bound to repair any Part of the Church or Isle which any Man claims by Prescription to him or his House. Anciently both the Church and Church-yard were repaired out of the Revenues of the Church, and a fourth Part of them was appropriated for that Purpose.

*Particular  
Repairs.*

Church-Reparations extend particularly to Church-yard Walls, the Walls of the Church and Steeple, the Floor, the Pulpit, and the Pews,



Pews, Windows, Iron-Bars and Glass; the Roof of Timber, with Laths, Nails, &c. the Covering of Lead, Tiles, &c. the Doors with Locks and Keys; Stairs, Bells, Wheels and Ropes in the Steeple.

And Parishioners are Chargeable for the Repairs of Ornaments of the Church: The Communion-Table and Coverings, the Communion-Cups, Bible and other Books appointed to be kept in Churches, the Surplice, Pulpit-Cloth are Cushion are accounted Church-Ornaments.

*Church Ornaments what.*

The Expence of all these, the Sexton's Wages, washing the Communion-Cloaths, Candles and Money disbursed by the Church-wardens, are to be raised by a Rate or Tax.

*Sexton's Wages &c.*

These Rates are to be made by the Church-wardens, and the greater Part of the Parishioners present, after a general Notice given. *Vent. 367.*

*Rents made by Church-wardens, &c. for Repairs.*

And some of our Law-Books tell us, that if the Parishioners (upon publick Notice given them) do not assemble, the Church-wardens and Overseers of the Poor, or the greater Part of them, may make a Rate, and levy it upon the Inhabitants; it being first confirmed by the Ordinary or Archdeacon. *2 Inst. 489.*

The Charge is in Respect of the Lands; and therefore if the Owner lives in another Parish, he shall be rated to repair in the Parish where the Lands lie, unless he let the same by Lease; and then he shall be charged in Respect of the Rent reserved; and in such Case, if the Lessee or Farmer is sued for Repairs, he may plead it, and the Court will order the Tax to be divided between the Landlord and him, viz. That the Tenant shall contribute in Proportion to the Rent reserved,

*Persons chargeable for Repairs.*

ved, and the Landlord for so much as the Land is worth above the Rent. 2 Roll. Rep. 270. This I take to be where a small Rent is reserved, in Consideration of a Fine paid by the Tenant.

*Parishio-  
ners Pow-  
er in ma-  
king Rates.*

*Church-  
wardens to  
consult  
Vestries.*

*Rates for  
Repairs of  
Church  
Orna-  
ments.*

The Majority of Parishioners may make a Rate for altering the Place of the Communion-Table, and carrying it into the Chancel; or for raising Steps to go up to it, and oblige the whole Parish, for they are compellable to put Things in decent Order, and they can best judge of the Rules of Decency: But the Majority cannot make a Rate to bind the rest for repairing or adorning the Chancel; because that is the Parson's Freehold. If the Church-wardens would set up a new Seat, make a new Gallery, &c. where there was none before, they must have the Consent of the major Part of the Parish, and Licence of the Ordinary. And though Church-wardens may repair the Church, &c. without consulting the Vestry; in chargeable Repairs, it is Safe to have the Advice of their Neighbours, who are to bear the Charges of them.

A Person living in one Parish, and occupying Lands in another, shall not be charged for Ornaments only of the Church where the Lands lie; because the Inhabitants are to be charged for Ornaments in Respect of their personal Estates. 2 Roll. Abr. 291.

*A Rate*

*A Rate or Tax for the Repairs of a Church.*

**W**E whose Names are subscribed, do hereby rate and tax all and every the Inhabitants of the Parish of, &c. here under mentioned, for and towards the Repairs of the Church of the said Parish, in the several Sums following, viz.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
A. B. For one Tenement, &c.	0	7	6
C. D. For his Lands called, &c.	0	5	0
E. F. For one Messuage,	0	4	0
G. H. For one Tenement called, &c.	0	3	0

J. K. } Church-wardens.  
L. M. }

N. O. } Overseers.  
P. Q. }

J. L. } &c. Parishioners.  
A. M. }

Houses, as well as Lands, are chargeable to these Rates. And if a Parish is unequally rated, those who are grieved must plead it in the Spiritual Court, being sued there; but they cannot have a Prohibition. 2 Roll. Abr. 291.

A Man living in one Parish, and holding Land in another, may be taxed towards the new Casting of the Bells of the Parish where his Lands are; for as they are

*Unequal Rates, Remedy.*

*New casting of Bells, Taxes for.*

necessary to the People, they are more than Ornaments.

*Persons not chargeable for Repairs.*

A Man had a Lease of a Stall in a Market-Town, where he sold Goods once a Week, but lived in another Parish; adjudg'd not chargeable in the Market-Town. 2 Roll. 288.

*Chapelry, Repairs of.*

Persons of a Chapelry, having always christened and buried within themselves, may prescribe to be exempt from repairing the Mother-Church: But if there be a Chapel of Ease where they hear Divine Service, and they bury at another Church, they must contribute to the Repairs of that Church, notwithstanding they repair the Chapel.

*Repairs of new Churches, &c.*

No Church new built, is esteemed as such in Law 'till Consecration; which being done, the Parishioners are then to repair it: But neither the Ordinary nor Church-wardens can give Leave to bury there, but the Parson only; the Freehold of the Soil being in him. 1 Cro. 367.

*Burials.*

*Sacraments and Burial make a Church.*

If a Question should arise, whether 'tis a Church or Chapel belonging to the Mother-Church, and any Proof can be made that Sacraments have been administred, and the Dead buried, then 'tis by the Law accounted a distinct Church.

*Robbing Persons in the Grave.*

A Man may be indicted at Sessions for digging up the Graves of Persons buried, and taking away their Burial-Dresses, &c. afterwards interring their Bodies again: And by Co. Litt. 113. it was resolved in this Case, that the Property of the Winding-Sheets remained in the Person who was the Owner when used; and an Offender was found guilty of Felony, but had his Clergy. *Hain's Case.*

If



## Overseers of the Poor.

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If any Person shall draw a Weapon in the *Fighting* Church with an Intent to strike, or a Stroke *in the* shall be given, the Party may be indicted, and *Church.* have Judgment to lose one of his Ears; also shall be excommunicated. *Stat. 5 & 6. Ed. 6.*

c. 4.

And if any Person shall arrest a Minister *Arresting* or a Lay-Man going to or returning from *Persons* Church on a *Sunday*, he may be punished by *going to* Indictment. *Church.*

But to return to Church-wardens: They *Church-wardens* may maintain an Action for defacing a Monument in the Church. *Godb. 279.* And so *Power, in* may an Heir by Descent, have an Action against any one who beats down or defaces *Respect to* Coats of Arms, &c. of his Ancestor in the *Goods, defacing* Church or Church-yard. *2 Cro. 367.* *Tombs, &c.*

If the Organs be taken out of a Church, *Organs.* the Church-wardens may bring an Action of Trespass, tho' the Vicar took them; because they belong to the Parishioners, and not to the Parson: Adjudged *Trin. 12 Jac. 1.*

But if any Thing belonging to the Free- *Freehold in* hold be broken or cut down, the Walls, *the Parson.* Windows, Doors or Trees in the Church-yard, &c. the Parson or Vicar, and not the Church-wardens, shall have an Action. *Stat. 8 H. 6.* The Soil and Feed of the Church-yard are the Minister's, and the Trees growing therein; but he is not to cut them down, unless for Repairs of the Chancel, &c. tho' he may top them. *35 Ed. 1.*

Church-wardens are a Corporation only as to moveable Goods, for the Use of the Church, and they may purchase such Goods and Chattels; and also sue or be sued for or concerning such Goods, but for the Use of the Parish. *Church-wardens may purchase Goods, &c.*

E 5

For

*But not  
Lands.*

For they cannot prescribe by the Name of Church-wardens to have Lands, &c. (except it be in London:) Neither can they have any Action at Common Law to recover Goods, Money given, &c. of which they were never possessed: But if they had Possession, then they may bring an Action and recover Damages to the Use of the Parish, if such Goods are taken away and abused: And they may recover Goods by Bill in Equity which they never had Possession of; but they cannot sell or dispose of them, without the Assent of the Parish; if they do, the Parishioners may chuse new Officers who may bring Action of Account against them. *Coke's Rep. 3 par. Hadman's Case.*

*To fix  
Fire-  
Cocks, &c.*

Church-wardens of every Parish within the weekly Bills of Mortality, shall at the Charge of their respective Parishes, fix upon the Pipes belonging to the Water-works, Stop-blocks and Fire-Cocks; and make a Mark on the Front of any House over against them to find them, where an Instrument is to be kept to open the Plug when any Fire happens. *Stat. 6 Ann. c. 31.*

*Keep En-  
gines, &c.  
in Repair;  
or forfeit  
10 l.*

And in each Parish is to be kept a large Engine, and a Hand-Engine, and a Leather Pipe and Socket of the same Size as the Plug or Fire-Cock, under the Penalty of 10 l. to be levied by Warrant of two Justices by Distress and Sale of the Goods of the Church-wardens; one Moiety to go to the Informer, and the other to the Poor. *Stat. ibid.*

*Reward to  
Persons  
bringing  
Engines,  
&c.*

The first Person who brings in a Parish-Engine, or any other large Engine with a Socket, &c. when any Fire happens, shall be paid as an Encouragement 30 s. the Person who brings in the second Parish-Engine shall be

## Overseers of the Poor.

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be paid 20s. the third 10s. and the Turn-Cock, whose Water shall first come into the main Pipe, is to have 10s. paid by the Church-wardens; or the same shall be levied by Distresses, &c. *Stat. 7 Ann.*

And the Church-wardens and Overseers of Poor may make Rates and Assessments for Money for the Maintenance and Repairs of Engines, Stop-blocks, &c. as they do for the Maintenance of the Poor, &c. *Ibid. Stat.*

*Assess the Monies, &c.*

Church-wardens are to account at the End of the Year, and deliver what remains in their Hands to their Successors, by Writing indented; and if they refuse, they may be presented at the next Visitation, or the new Church-wardens may have an Action against them at Common Law: But they shall be allowed all necessary Disbursements. *Can. 89.* And if they have not gathered their Rates, they are to prosecute Persons before they leave their Office; present them in their last Presentment, or pass over their Arrears to their Successors, who shall recover the same for them.

*Church-wardens are to account.*

If any Dispute arise about the Account, it is to be decided before the Ordinary: And for Disbursements of any Sum not exceeding 40s. the Church-warden's Oath alone is a sufficient Proof; but for all Sums above 40s. Receipts must be produced, &c. No Allowance of Account can discharge Church-wardens of any fraudulent Dealings, which they may have been guilty of in their Office; but whenever any such are detected, they are accountable, and every Parishioner hath a Right to claim Justice against them. And tho' all the Parish have allowed Accounts of the Church-Goods, the Ordinary may call them

*Disputes & Accounts.*

them to account before him too, and punish them if he find Cause.

*Church-wardens Power in a Vacancy of the Benefice.*

Church-wardens have the Care of the Benefice during its Vacancy; and as soon as there shall be any Avoidance, they are to apply to the Chancellor of the Diocese for a Sequestration; and having taken out an Instrument for it, they are to manage all the Profits and Expences of the Benefice for him that shall next succeed: Plow and sow his Glebes, take in the Crop, gather in Tithes, thresh out and sell Corn, repair Houses, Fences, &c. but not commit Waste upon the Living, in cutting Timber, &c. And they are to take Care that during the Vacancy, the Church be duly served by a Curate approved by the Bishop, whom they are to pay out of the Profits of the Benefice.

*To join with Constables, Overseers of the Poor, &c.*

They are to join with Constables in making Rates for Relief of poor Prisoners, maimed Soldiers, &c. and in chusing Surveyors of the Highways, appointing Days to work, &c. and they must join with Overseers of the Poor in the Execution of their whole Office.

Here I ought to proceed to the Business of the Overseer of the Poor: But I shall first take Notice of Briefs, and their Management, which is frequently come to the Hands of Church-wardens of Parishes; and conclude with the Act 9 Ann. made for Building Fifty new Churches in the City of London, which has likewise several Things relating to Church-wardens.



*Of Briefs, and their Management.*

The Statute 4 & 5 Ann. c. 14. enacts, That *Briefs to*  
when Copies of Briefs are delivered to the *be indorsed*  
Wardens of Churches and Chapels, &c. im- *the Time*  
mediately after Receipt, they are to indorse *of recei-*  
the Time of receiving, with their Names *ving, &c.*  
thereon; and forthwith deliver them over to  
the Ministers and Curates, who shall likewise  
indorse the Time of their Receipt and their  
Names, in like Manner as the Church-war-  
dens.

The Ministers, Curates and Preachers, on *Read, and*  
some Sunday, in two Months after Receipt *Money*  
thereof, are immediately before preaching *collected.*  
openly to read such Briefs in their respective  
Places of Meeting; and the Church-wardens  
shall collect the Money that shall be given  
there, or go from House to House, &c.

The Sums collected, Place and Time, are *Sums to be*  
to be indorsed in Words at Length, and *indorsed.*  
signed by the Minister, Curate and Church-  
wardens, and by the Teacher and two substan-  
tial Persons of separate Congregations : And  
the Briefs indorsed, and Money collected shall  
be delivered to the Persons undertaking the  
Brief, under the Penalty of 20*l.* The Under- *Penalties.*  
taker not demanding the Briefs and Money  
in six Months, are liable to the same Pe-  
nalty.

If the whole Number of Briefs be not re- *And Briefs*  
turned, the Undertaker for every Copy want- *returned.*  
ing, shall forfeit 50*l.* unless he make suffici-  
ent Proof in Chancery of the Briefs being lost  
by inevitable Accident, and of the Money  
collected thereupon. And a Register is to be *Register to*  
kept *be kept.*

## Church-wardens and

kept of all Monies collected, inserting the Occasion of the Brief, and the Time when collected; to which all Persons may have a free Resort.

*How Money accounted for.*

The Undertakers in two Months after the Receipts of the Money, and Notice to Sufferers, are to account before a Master in Chancery, to be appointed before the Lord Chancellor.

*Briefs, not to be farmed.*

All farming and purchasing such Charity-Money, is declared unlawful; and Deeds of Covenant and Agreement concerning the same, shall be void: And any Person agreeing to purchase the Benefit of such Brief, shall forfeit 500*l.* for the Benefit of the Sufferers.

*Penalty.*

*Act for Building fifty new Churches in London and Westminster.*

*Duty on Coals.*

1. By the Statute 2 *Anna* c. 22. A Duty of 2*s.* per Chaldre is laid upon all Coals from the 14th of *May*, 1716. to the 29th of *September*, 1724.

*How appropriated.*

2. The Money arising by this Duty is to be paid into the Exchequer, and appropriated for building fifty new Churches of Stone with Towers or Steeples, and for purchasing Sites of Churches, Church-yards, &c. in or near *London* and *Westminster*, and for making Chapels already built Parish-Churches, such as are capable thereof, &c.

*Commissioners appointed.*

3. The Queen, by Letters Patent, may nominate Commissioners, who shall meet as often as there is Occasion, and inform themselves in what Parishes the new Churches are most necessary to be built, and of proper Places

ces

ces to build them in, and of Church-yards and burying Places to be bought; and no Burials are to be in or under any of the new Churches.

4. The Commissioners, or any five of them, *Their* may agree and contract for the Purchase of *Power in* Lands, for the said new Churches, for Church- *purchasing* yards, and for Ministers Houses: The Lands *Lands.* purchased shall be conveyed to the Commissioners and their Heirs; and they are to cause the Churches to be built, provide Houses for Ministers, Church-yards to be inclosed, &c.

5. They may by Parchment-writing under their Hands and Seals enrolled in Chancery, ascertain the Bounds to each new Church and Church-yard; and also the District of each Parish that shall be appointed for every new Church: And after the Inrollment of such Writing and Consecration of the Church, *Ascertaining* such District shall be taken to be a distinct *Bounds* Parish; and the Inhabitants within that *of Churches* District shall be Parishioners thereof, and subject to all Taxes, Rates for the Poor, &c. as the Inhabitants in the Parish from whence such new Parish was taken, are chargeable; but shall be exempted from bearing any Office or Charge in the other Parish.

6. There shall be a Rector in every new *Making* Church; and a Morning Preacher in a *new Pa-* Chapel converted into a Parish Church, who has *rishes, &c.* officiated therein for a Month before the Consecration, shall be the first Rector of the new Church; and in every other new Church the first Rector is to be appointed by the Queen, and he and his Successors shall be called the Rector of such new Church; and the Freehold shall be in him and his Successors,

*Rectors of the new Churches.*

*Who to present.*

*Value of  
Rectories.*

*How Right  
of Patron-  
age set-  
tled.*

*Ecclesia-  
stical Go-  
vernment.*

*How  
Church-  
wardens,  
&c. elec-  
ted.*

*Vestry-  
men cho-  
sen.*

fors, and he and they may purchase and take Lands to the Value of 200 *l. per Ann.*

7. Any Person whatsoever may contract and agree with five or more of the Commissioners for any Lands, &c. or for limiting or settling the Right of Patronage, and Presentation of the succeeding Rectors; and until such Settlement can be made of the Right of Patronage in every new Parish, the Crown shall present on any Avoidance.

8. The Rectors of the new Churches, and the Church-wardens, shall be subject to the Ordinary; and the Bishop of London is to visit, institute and exercise Ecclesiastical Jurisdiction in all Parishes to be erected, &c.

9. The first Church-wardens, Overseers of the Poor, Surveyors of the Highways, and other Parish-Officers, of every new Parish are to be elected by five or more of the Commissioners out of the Inhabitants, within a Month after the Consecration of each Church: And the said Parish-Officers shall have the like Powers, and be subject to the same Laws, as any other in London and Westminster; and all the succeeding Parish-Officers shall be chosen and sworn yearly in every new Parish, according to the Laws now in Force.

10. Five or more of the Commissioners, with the Consent of the Ordinary, may name a sufficient Number of the Inhabitants of each new Parish to be Vestry-men; and upon the Death or Removal, &c. of any Vestry-Man, the rest, or the Majority, may chuse another, being an Inhabitant and Householder in the Parish. But all parochial Customs, By-Laws, &c. used in any Parish divided, shall,

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shall, notwithstanding such Division, continue in both Parishes.

11. Five or more of the Commissioners, with the Consent of the present Rectors, Church-wardens, Vestry, &c. Or the Rectors, Vicars, and Parish Officers, and Vestry-men or principal Inhabitants, with the Consent of the Ordinary, by Writing inrolled in Chancery, may make a perpetual Division of Parishes, as to Church-Rates, Rates for the Poor, Highways, &c. And until such Division be made, the Parish-Rates be assessed and levied thro' all Parts which now belong to the present Parishes.

*Division of Parishes, as to Rates.*

12. The Parish-Officers, with the Vestry or principal Inhabitants of the new Parishes, are to meet every Year on Tuesday in Easter-Week, or oftner, on Notice given the Sunday before in the Church; and there assess the Rates for the Poor, and other Parish-Rates, and apportion the said Rates, to be collected for the Relief of the Poor.

*Rates for the Poor, &c. how made.*

By Stat. 1. Geo. 1. c. 23. A Duty is granted on Coals imported in London, to be appropriated for the Maintenance of Ministers for the Fifty new Churches; and the King to appoint Commissioners to execute Powers, &c.

*1 Geo. 1. Maintenance of Clergy.*

The 12 Geo. 1. c. 39. makes a particular Provision for the Rector of St. Mary le Strand, and Ordains that the said Rector shall have the Interest of the Sum of 2500*l.* out of the Money directed by the Act 5 Geo. 1. And for a further Maintenance 125*l.* *per Ann.* to be raised by an equal Pound-Rate on the Inhabitants within the District appointed for the said Parish; and the Rector, Church-wardens and Vestry are empowered to make Assessments, being allowed by two Justices of Peace, &c. also the Sum

*5 & 12 Geo. 1. New Church of St. Mary le Strand.*

## Church-wardens and, &amp;c.

Sum assessed shall be yearly collected by such Persons as the Vestry or Church-wardens shall nominate, for whom the Parish is to be answerable, &c.

1 Geo. 2.  
Church at  
Milbank  
Westm.

And the Stat. 1 Geo. c. 19. Enacts, that for raising a Maintenance for the Rector of the new Church near *Milbank* in the Parish of *St. Margaret Westminster*, 2500*l.* shall be allotted for his Share of 360,000*l.* appropriated for the Churches, to be laid out in the Purchase of Lands, &c. for the Use of the said Rector, by Order of the Commissioners, &c. And also the Sum of 125*l.* a Year shall be raised on the Inhabitants, by an equal Pound-Rate, made by the Rector, Church-wardens, &c. over and above Fees and Perquisites; payable quarterly, in lieu of Tithes, &c. subject to some Deductions to the present Curate.

Rates and  
Assess-  
ments.

Pews how  
disposed of.

The Rectory of this Church, shall not be held in *Commendam*; and the Church-wardens are not to dispose of the Pews or Places therein to any Person not an Inhabitant of the Parish, nor without the Consent of the Vestry, &c.

OVER.

# OVERSEERS OF THE POOR, &c.

**T**HESE Officers were created by the *Overseers,*  
Statute 43 Eliz. c. 2. (the first Sta- *how crea-*  
tute-Law made for Relief of the Poor) *ted.*  
and they are called Overseers, as they have  
the Government of the Poor.

They are usually nominated in *Easter-Manner of*  
Week, or within a Month after, out of the *Election.*  
substantial Housholders, by Appointment un-  
der the Hand and Seal of two Justices, resi-  
ding in or near the Parish or Division where  
the Parish lieth.

Justices of the Peace neglecting to nomi- *Defaults*  
nate Overseers of the Poor, and Mayors, and *in chusing.*  
Head Officers of the Town or Place where  
Default shall happen, forfeit 5*l.* to be employ-  
ed towards the Relief of the Poor.

These

*To meet  
once a  
Month.*

These Overseers are to meet once a Month in their respective Parish-Churches, to consider of proper Methods for the Relief of and providing for the Poor; and every one absenting himself from such monthly Meeting, not being sick, or having some just Excuse to be allowed by two Justices, is to forfeit 20 s. for every Default.

*Church-wardens  
the same.*

Church-wardens shall likewise meet once a Month with the Overseers of the Poor, or they may be punished for their Neglects; by which it appears that they have an equal Power and Charge with the Overseers.

Overseers are to take Care that the Poor be set at Work, or relieved if not able, and to settle them in their Habitations.

*What Per-  
sons to be  
relieved.*

But none are to be relieved, whose Names are not registred in a Parish-Book, kept for that Purpose; unless by Authority under the Hand and Seal of a Justice; or in Case of pestilential Diseases, viz. the Plague, or the small Pox, in respect of their Families only. *Stat. 3 & 4 W. & M. c. 11.*

*Poor to  
wear Bad-  
ges, &c.*

Persons relieved must have, on the uppermost Garment, and upon the Shoulder of the right Sleeve, a large Letter P. and the first Letter of the Parish; or otherwise one Justice, upon Complaint, may cause their Allowances to be abridged or suspended, or may commit the Offenders to the House of Correction, not exceeding one and twenty Days. *Stat. 8 & 9 W. c. 30.*

*Relieving  
contrary to  
the Sta-  
tute.*

Officers relieving such who do not wear the Badge forfeit 20 s. for every Offence; one Moiety to the Informer, the other to the Poor.

*Persons  
begging.*

Overseers may license poor Persons to beg for Alms in their own Parishes; and if any In-

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## Overseers of the Poor.

93

Inhabitants serve Poor at their Doors, not being of their own Parish, and having such a License, they shall forfeit 10*s*. *Dalt.* 157.

There are reckon'd three Sorts of poor People; such as are poor by Impotency, (which takes in the Aged, Decrepit, Lame, Blind, distracted Persons, Infants, &c.) such as become Poor by Casualty, (which includes Persons maimed, undone by Fire, overcharged with Children) and such as have made themselves poor by Rioting, Idleness, Drunkenness, &c.

*Three  
Sorts of  
Poor.*

As to the first Sort, the Poor by Impotency, the Overseers are to provide for them a necessary Relief and Allowance.

*Relieved.*

As for the second Sort of Poor, those by Casualty, if they are of Ability and Strength, they are to be set on Work by the Overseers, and to be further relieved according to their Necessities.

*Employed.*

But for the third Sort, they are not to be relieved, except it be in Cases of great Extremity; but are to be sent to the House of Correction, and there set at Work to maintain themselves by hard Labour. *Dalt.* 157, &c. And in every County, there is to be a House of Correction, or the Justices shall be fined, &c. 39 *Eliz.*

*Set at  
Work, &c.*

Overseers are to set at Work all such Persons as have no visible Income to maintain themselves or follow no Trade or Business to get their Livelihoods; and they may, with the Consent of two Justices of Peace set up any Trade, Mystery or Occupation for the setting on Work and relieving the Poor of the Parish or Place. *Stat.* 3 *Car.* 1. *c.* 4. Children of all such whose Parents shall not, by the Church-wardens and Overseers, be thought able to keep them, are to be thus set at Work.

*What  
Persons  
may be set  
at Work.*

*Trades set  
up.*

43 Eliz. 2. And any Justice may send to the House of Correction, &c. Persons refusing to be employ'd in Work.

*Overseers to account before Justices.*

The Overseers of the Poor shall within four Days after the End of the Year, and after other Overseers are nominated, give up their Accounts before two Justices, of all Monies receiv'd by them, or what is assess'd and not receiv'd; what Poor they have reliev'd, what Stock they or the Poor have in their Hands, and of all other Things belonging to their Office, and shall pay and deliver over what is in their Hands to the succeeding Churchwardens. *Stat. 43 Eliz. c. 2.*

*Burials in Woollen to be accounted for.*

And as often as Overseers of the Poor yield up their Accounts to the Justices, they shall give in the Name and Quality of every Person buried within the Parish, from the Time of their former Account; and of such Certificates as came to their Hands from the Parson, &c. of Persons interr'd contrary to the Statute 30 Car. 2. c. 3. for burying in Woollen; and also of their levying the Penalty of 5*l.* and give an Account of the Disposal of the same, or they shall forfeit 5*l.* And their Accounts shall not be allowed, till they have accounted for the Burials. *Stat. 30 Car. 2. c. 3.* Affidavit is to be made in eight Days, that a Person was buried in Woollen.

*Refusing to account.*

If Overseers refuse to account, or to deliver over what remains in their Hands to their Successors, two Justices may commit them to Gaol, there to remain without Bail, till they account and pay over the Money; or, in the last Case, the same may be levied by Distress. *Stat. 43 Eliz.*

*Making false Accounts.*

If an Overseer makes a false Account, he may be bound over to the Sessions, and there in-

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## Overseers of the Poor.

95

indicted, &c. Dalton's Justice 154. And in Actions brought against Overseers of the Poor, for mispending the Parish's Money, any Parishioners not receiving Alms, shall be admitted as Evidence. Stat. 3 & 4 W. & M.

Overseers are not oblig'd to disburse any of their own Money for the Relief of the Poor; but if they do, a Rate ought to be made to reimburse them; and the Overseers may make a Rate for that Purpose, and when the Money is levied, pay themselves; and if the Justices refuse to sign it, then a *Mandamus* may be issued, requiring them to do it. 2 *Keb.* The King *adversus* Ogden. *Mod. Cases* 97.

Not to dis-  
burse Mo-  
nies.

## Of the Poores Rate and Taxation.

Overseers of the Poor have Power to rate and tax every Inhabitant and Occupier of Houses, Lands, Tithes, Underwoods, Mines, &c. to raise Money towards the Relief of the Poor, providing a competent Stock of Flax, Hemp, &c. to set the Poor on Work, and also for the putting out Poor Children Apprentices; which Rate being allow'd by two Justices, the Church-wardens and Overseers may levy the same by Distress and Sale, and for want of Distress, the Party may be committed to Gaol till Payment. 43 *Eliz. c. 2.*

Overseers  
Power in  
making  
Rates.  
And for  
what  
Purposes.

All Persons, the Clergy not excepted, must contribute to the Relief of the Poor. 2 *Keb.* 251. And all Things that bring in an annual Profit, may be taxed; Tolls are taxable. 3 *Keb.* 594.

Persons  
and Things  
to be tax-  
ed.

But if the Overseers make an unequal Rate, they may be indicted for it, and fined. 1 *Keb.* 173.

All

*Occupiers  
of Lands,  
&c.*

All Assessments ought to be made according to the visible Estate the Party hath or possesseth in the Parish where the Assessment is made, and not elsewhere ; the Words of the Act directing a Taxation on the Occupiers. *2 Bulfr. 354.*

*According  
to the year-  
ly Value.*

The Tax is to be in Proportion to the yearly Value, and not the Quantity of Land; and as it arises by Reason of the Land in the Parish, the Farmer or Renter is to pay it, and not the Landlord; and the Landlord is never assess'd for his Rent.

*Personal  
Estate  
taxed.*

It is either upon Lands or Goods; but a Farmer being assessed for the Land he occupieth, shall not be assessed for his Stock on that Land, necessary for Manure, nor the Profits for which he has been already taxed; but for other Stock he is taxable. And a Clothier, &c. having an Estate in Lands, and a great Stock of Wares, may be taxed for both. *Blackerby's Cases 203, &c.*

*After the  
Rate of  
Lands.*

When Goods are rated, it ought to be after the Value of Lands, (*viz.*) Goods of the Value of 100*l.* should be rated at 5*l.* per Ann. or as Lands are; and Persons must be charged only in that Place where the Goods are at the Time of Assessment, as in Case of Lands.

*Wrong As-  
sessments.*

And if a Man hath no Goods where assessed, and is distrained, he may have an Action of Trespass, &c.

*Taxing of  
Villages,  
&c.*

Overseers of a Parish in Reputation, tho' it be really no Parish, may make Rates for their Poor, and distrain for the Non-payment of them. *Cro. Car. 92. Hilton versus Pawle.* And the Inhabitants of a Village, having a Chapel and parochial Rights, shall not be taxed to the Poor of the Rectory. *Roll. Rep. 160. Contra* if no parochial Rights.

The



The Inhabitants of *Lancashire, Cheshire, Particular Yorkshire, Northumberland, Durham, Cumberland Counties, and Westmorland*, by Reason of the Largeness *how to pro-* of their Parishes, are to have Overseers, and *vide for* relieve and provide for the Poor within their *their Poor.* respective Townships, or Villages, as in Parishes. *Stat. 13 & 14 Car. 2.* And other Counties in *England and Wales* are mentioned generally in the Preamble of the Act.

If a Parish extends into two Counties or *Parish* Liberties, the Overseers are to act in the *in two* whole Parish, and not divide themselves; but *Counties.* the Justices shall not intermeddle with that Part which lies out of their Jurisdiction. *1 Vent. 350.*

But if there be a Church-warden and several Overseers of the Poor, some for Part of the Parish in one County, and others for the other Part in the other County, and the Rates are several, and Accounts separate, they shall be taken as distinct Parishes: The Case of *St. Botolph without Aldersgate*, lying Part in *London*, and Part in the County of *Middlesex.* *Raym. 477.* *How Offi-  
cers to act.*

If a Parish is not able to maintain its own *Power of* Poor, two Justices may tax any other Parish *Justices* within the Hundred; and the Sessions have *in Taxa-* Power to tax the whole County. *Stat. 43 Eliz. tion.* But when the Cause of Taxation of other Parishes for Inability of those wherein the Poor *The Hun-* are resident, ceases, the Tax shall cease al- *dred, or* so; and the Contribution lessen, as there shall *County.* be less Occasion. *Mod. 374. Littleton 73.*

It has been adjudged, that the Justices may tax particular Persons; and need not assess the whole Parish, which is to contribute to the Poor of another Parish. *2 Bulstr. 352.* *Particular  
Persons.*

## Church-wardens and

*The Form of an Assessment for the Poor.**A. in Com' }  
Berks, J. }***A**N Assessment made on the Inhabitants of the Parish of *A.* aforesaid, for and towards the Relief of the Poor there, the Year, &c. commencing, &c.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>A. B. Gent.</i>	0	10	0
<i>C. D. Yeoman,</i>	0	5	0
<i>E. F. Merchant,</i>	0	7	6
<i>G. H. Linen-Draper,</i>	0	6	0
<i>&amp;c.</i>			

*J. K. Church-warden.**L. M. }  
N. O. } Overseers.*

We whose Names are under written, being Inhabitants of the Parish of *A.* aforesaid, have perused the above Assessment; and do hereby declare, that the several Sums above-mentioned are by our Approbation rated upon the respective Persons concerned; and that the same is an equal Rate, according to the best of our Judgments.

*P. Q. }  
R. O. } Parishioners.  
J. L. }  
A. M. &c. }*

*Memorandum, this Day, &c. the above Rate and Assessment was ratified and allow'd by us,*  
two

## Overseers of the Poor.

99

two of his Majesty's Justices of the Peace for the County aforesaid.

T. O.

L. C.

The Rate being thus confirmed, if any Person shall refuse to pay, &c. it may be levied by Warrant from two Justices by Distress; and if that cannot be taken, then two Justices may commit without Bail till Payment (*ut prius*).

*Rates to be levied by Distress.*

The Quarter-Sessions will give Relief to such as are grieved by these Rates or Taxes.

*Penalties for the Use of the Poor.*

Besides these Rates for the Relief of the Poor, there are several Penalties inflicted by Act of Parliament for Offences committed, to be applied to the Use of the Poor; for which see under the Heads of Constables, Church-wardens, Neglects in repairing Highways, Scavengers, &c.

### Relief of poor impotent Persons.

Having treated of Overseers of the Poor in General, I proceed to several Particulars; as the Laws relating to the Relief of impotent Persons, poor Prisoners, &c. concerning the placing forth poor Apprentices, Bastardy, and Settlement.

*Particular Laws.*

A Father, Grandfather, Mother, and Grandmother, and Husband of the Grandmother (being of sufficient Ability) are to maintain and relieve their Children, which are accounted impotent Poor, as the Sessions shall

*Parents to relieve Children, &c.*

order; under the Penalty of 20 s. *per* Month. 43 *El. c. 2.* But if the Husband of the Grandmother have no Means or Advancement in Marriage with her, he shall not be obliged to keep the Child. 2 *Bulstr.* 345, 347.

*A Fortune in Marriage with a Grandmother.*

The Husband's having Means, or his being of Ability after Marriage, will not make him liable to Maintenance of the Child, unless the Grandmother had Means sufficient; but if after Marriage, Land descend to such Grandmother, and the Husband enjoys them in her Right, he shall be bound to keep the Child. A Bastard-Child is out of the Statute, and to be provided for otherwise.

*Father.*

A Father has been ordered to allow Maintenance to the Son's Wife, he being beyond Sea: And a Father in Law been adjudged within the Meaning of the Act 43 *Eliz. Style* 283.

*Children of Ability to maintain Parents.*

Children of poor, old, impotent Persons, or others, not able to work, are at their own Charges to relieve and maintain them, (in like Manner as Parents are to relieve their Children) if such Children are of Ability, under the like Penalty of 20 s. *per* Month, to be levied by Distress and Sale, &c. *Per. Stat.* 43 *Eliz. c. 2.*

*Church-wardens, &c. to examine the Register of Poor.*

For the better Relief of poor impotent Persons, and to prevent Imposition of Church-wardens and Overseers of the Poor, the Parishioners of every Parish are yearly in *Easter* Week, or as often as it shall be thought convenient, to meet and examine the Register-Book of the Poor; and the Reasons of their taking Relief, &c. and to alter the List as they shall see Occasion. *Stat.* 3 & 4 *W. & M.*

*And others, &c.*



## Oberseers of the Poor.

101

And the Persons receiving Relief are to wear Badges, as has been before observed; (except such Child as shall be permitted to live at Home, to take care of an impotent and helpless Parent.)

*Persons  
exempted  
from  
wearing  
Badges.*

This Statute was made to prevent misapplying Money raised for the impotent and poor, on idle Beggars.

To provide Houses for the Poor, Church-wardens and Overseers, with the Leave of the Lord of the Manor, in Writing under Hand and Seal, or according to any Order set down by Justices of the Peace in their Quarter-Sessions, may build Cottages at the general Charge of the Parish, &c. on the Waste, for Habitation of poor impotent Persons; and place Inmates or more Families than one in a Cottage. *Stat. 43 Eliz. c. 25.*

*Cottages  
for the  
Poor, on  
the Waste.*

The Money for building these Cottages, at the publick Charge of the Parish, may be raised by a Tax as before directed, &c.

*Taxes for  
erecting  
them.*

## Church-wardens and

*A PETITION to Justices for an  
Order for erecting a Cottage.*

To the Worshipful the Justices at  
the General Quarter-Sessions of the  
Peace, holden at, &c.

*The Humble Petition of I. D. of, &c.*

*Sheweth,*

**T**HAT whereas your Petitioner being  
very Poor and Impotent, and with his  
Wife and Children settled as an Inhabitant in  
the said Parish of, &c. and at present desti-  
tute of an Habitation, hath by Application  
made to A. B. Esq; Lord of the Manor of,  
&c. obtained his Consent, under his Hand  
and Seal for your Petitioner to erect and set  
up a Cottage on the Waste within the Parish  
of, &c. aforesaid, for an Habitation for him-  
self and his Family; if an Order of Sessions  
can be obtained for Confirmation thereof, as  
by the Paper hereunto annexed doth appear.

May you therefore be pleased to Grant un-  
to your poor Petitioner the Order of this  
Court, whereby your said Petitioner may  
set up a Cottage for an Habitation for  
himself and poor Family, on some con-  
venient Place on the Waste, within the  
Manor of, &c. aforesaid.

*And your Petitioner shall ever Pray.*

Where

Where Persons labour under pestilential Diseases, Justices of Peace, Mayors, &c. of Cities and Corporations, may set a weekly Tax on the Inhabitants of the Corporation, for Relief of poor Persons infected with the Plague; and if they are not able to pay it, then on Certificate by such Mayors, &c. the two next Justices of the County may tax all the Inhabitants within five Miles of the Corporation. *Stat. 1 Jac. c. 31.* *Relieving sick and infected Persons.*

Persons refusing to pay the Tax, the same shall be levied by Distress and Sale; and in Default of a Distress, the Party to be committed to Gaol till Payment.

The Law is likewise no less careful in providing for poor Prisoners; for the Statute 43 Eliz. c. 2. gives Power to Justices of Peace, at Easter Sessions yearly, to rate every Parish at a certain Sum to be paid weekly, no Parish to pay more than 6d. towards Relief of poor Prisoners in the King's Bench and Marshalsea; and Treasurers for the County are to be chosen at the said Easter Sessions, &c. *Taxes for Relief of poor Prisoners.*

Justices of Peace, of every County, in their General Quarter-Sessions, may also tax every Parish in the County towards Relief of Prisoners for Debt in the common Gaol, so as it does not exceed 6d. or 8d. a Week for every Parish; to be levied by Church-wardens, and paid once a Quarter to the High Constables or Head Officers of every Town, &c. who are to pay it to the Collectors appointed by the Justices in their Sessions. *Stat. 14 El. c. 5.* *In the Marshal-sca, &c.*

Justices in their Sessions may likewise provide a sufficient Stock to set poor Prisoners to work, committed for Felony, and other Misdemeanors, by such Ways and Means as other County-Charges are raised, provided no Parish *Prisoners in the common Gaol.*

rish be rated above 6d. a Week; and they may appoint Overseers and Collectors, examine their Accounts, and punish Abuses, &c. Stat. 19 Car. 2. c. 4.

*Poor Debtors discharged.*

Many People being poor by Losses, and other Misfortunes, and not able to make Satisfaction to their Creditors; the Statutes 22 & 23 Car. 2. 2 W. & M. 1 Ann. 6 Geo. &c. enacted, that if a poor Man was in Prison for Debt, he might petition a Justice, &c. who by Warrant was to require the Gaoler to bring the Prisoner to the Quarter-Sessions, together with a Copy of the Cause of his Commitment; and the Prisoner in the Sessions delivering up a Schedule of his whole Estate, and the Names of his Creditors, and the several Sums of Money due to them, and making Oath that he was not worth 10l. he should be discharged.

*Not worth 10l.*

But no Person was to have the Benefit of the Acts who owed more than 50l. Principal and Interest to any one Person.

### *Poor Apprentices.*

The placing forth poor Children Apprentices, is esteemed one of the best Methods of providing for the Poor.

*How placed out.*

Church-wardens and Overseers of the Poor may put out Children of Parents not able to maintain them; but it must be by the Assent of two Justices.

*Proper Ages, and Time to serve.*

The Children so put forth are to be above seven, and under fifteen Years of Age; and those above the Age of ten Years, may be bound by their own Agreement by Indenture, &c.



## Overseers of the Poor.

105

*Ec.* and if above twelve, they may be compelled by a Justice. And the Man-Child shall be bound till he comes to the Age of Twenty-four, and the Woman-Child till twenty-one.

*Dalt.* 143. *Stat.* 43 *Eliz.* c. 2.

Church-wardens and Overseers, with the Assistance of the Justices, may oblige all Persons of Ability, as Gentlemen, Clergymen, Yeomen and Tradesmen, (such as Bakers, Brewers, Carpenters, Masons, Weavers, Taylors, Dyers, Fullers, &c.) to take Apprentices, either with Money or without, there being no Necessity of giving Money with them; for it is discretionary in the Church-wardens, whether they will give any or not. And Justices shall determine Disagreements between Masters and Officers.

*Who to take poor Apprentices.*

*Money given with them.*

Overseers of the Poor are Judges of the Disability of Parents to maintain their Children; and such as refuse to have their Children placed forth Apprentice, may be bound over to the Sessions: Children refusing to be bound, are to be sent to the House of Correction, till they shall be willing. *Dalt.* 148, 153.

*Children refusing to be bound, &c.*

Masters refusing to receive such Apprentices by the *Stat.* 43 *Eliz.* c. 2. were to be bound over to the Assizes, and if they refused to give Bond, they might be committed; or the Church-wardens and Overseers, by the Consent of two Justices, had Power to fine them to raise Money to place them with others; and if they refuse to pay such Fines, the two Justices might make a Warrant to levy them by Distress, &c. But now by the Statute 8 & 9 *W. 3.* c. 30. upon the Church-wardens making Oath of the Refusal of the Master before

*Masters refusing to accept Apprentices.*

## Church-wardens and

**Forfeit**  
10*l*.

two Justices, he forfeits 10*l*. to be levied by Warrant of the two Justices, to the Use of the Poor.

**But not**  
**obliged**  
**to take a**  
**Spy, &c.**

Though the Party may appeal to the next Sessions: And a Man may not be compelled to take an Apprentice that may be a Spy on his Family; a Thief, Enemy, &c. *Vent. Rep.* 325.

**Taxes for**  
**placing out**  
**poor Ap-**  
**prentices,**  
**and Mo-**  
**ney given**  
**for it.**

Monies may be raised for placing out Apprentices by Overseers, in like Manner as for Relief of Poor by taxing every Inhabitant, and Occupier of Lands, Houses, Tithes, &c. *Stat. 7 Jac. c. 1.* And where Charity-Money is given for that Purpose, if in Towns Corporate, it shall be employed by the Corporation; if in other Places, by the Parson, Constable, Church-wardens, and Overseers, &c. or the greater Part of them; who if they refuse, forfeit five Marks each, to the Use of the Poor. *Stat. 7 Jac. 1. c. 3.*

**Money**  
**with Ap-**  
**prentices to**  
**be return-**  
**ed.**

Masters must give Security to repay what Money they take with such an Apprentice, at the End of seven Years, or within one Year after the Death of the Apprentice, if he die in that Time; to be employed for putting out others. *Stat. 16.* The Trustees must account in *Easter Week*, to the two next Justices.

**Apprenti-**  
**ces placed**  
**in other**  
**Parishes.**

If there be no fit Persons to be Apprentices in the Place where the Money is given, it may be employed in the Parishes adjoining; but the Church-wardens cannot place them to Masters in another Parish, tho' the Justices in Sessions may; and if there are no Masters fit to receive them in the Hundred, then they may be put out in the County at large by Order of Sessions.

Apprentices may be placed to Farmers, *Farmers to* who shall receive them for Husbandry; and *take Ap-* single Women, Widows, &c. for Housewifry, *prentices* &c. But Apprentices in Husbandry must be *in Hus-* above the Age of ten, and under eighteen. *bandry.* They may serve till twenty-one, or twenty-four Years of Age; and Justices of Peace may compel Persons that are fit, to serve in Husbandry as Apprentices, under one and twenty. *Stat. 5 Eliz.*

## *An Indenture of Apprenticeship.*

**T**HIS Indenture made, &c. between A. B. and C. D. Church-wardens of the Parish of, &c. in the County of, &c. and E. F. and G. H. Overseers of the Poor of the same Parish, of the one Part, and J. K. of, &c. Taylor, of the other Part, *Witnesseth* that the said Church-wardens and Overseers, by the Assent of, &c. two of his Majesty's Justices of Peace of the said County, according to the Direction of the Statute made in the forty-third Year of the Reign of *Queen Elizabeth* for the Relief of the Poor, hath put out and bound L. M. a poor Child of the Parish of, &c. (or Son of, &c. who is not able to bring up and maintain him) Apprentice to the said J. K. till the said L. M. shall come to the Age of Twenty-four Years. During all which Time, the said Apprentice his said Master well and faithfully shall serve, his Secrets keep, his lawful Commands every where willingly do. He shall do no Hurt or Damage to his said Master, nor consent to its being done by others, but shall forthwith give Notice thereof: He shall not waste the Goods

## Church-wardens and

Goods of his said Master ; nor lend them to any Person without his Consent. He shall not frequent Taverns nor Alehouses, during the said Term (except it be in his Master's Business) and he shall not play at Cards, Dice, or other unlawful Games. He shall not, either by Day or Night, absent himself from his said Master's Service, but in all Things as a good and faithful Servant, shall demean himself towards his said Master, and all his. And the said J. K. his said Apprentice shall, during the said Term, educate and bring up, or cause to be educated and brought up, in his Trade of a Taylor in the best Manner that he can; and find and allow unto him during the said Term sufficient, wholesome and competent Meat, Drink, Lodging, Washing, Apparel, and all other Necessaries meet for such an Apprentice.

*In Witness, &c.*

The Consent of the Justices indorsed on the Backside.

We whose Names are hereunto subscribed, Justices of the Peace of the County of, &c. do consent to the putting forth L. M. Apprentice according to the Intent and Meaning of the within written Indenture.

J. L.  
T. J.

*Apparel for  
Apprentices.*

To these Indentures, it is sometimes usual to add a Clause for the Master at the End of the Term to provide for his Apprentice two Suits of Apparel; one for *Sundays*, and the other



other for working Days: And Masters may not take away Apparel from Apprentices, tho' they part with them. *Bro. Tres. 93.*

Mayors, Bailiffs, or other Head Officers of Corporate Towns, have in their several Precincts like Authority, as the Justices of Peace have in Counties, for all the Uses and Purposes in this Act: And so hath every Alderman of a Ward in the City of London. *Stat. 43 Eliz. c. 2.*

Justices may discharge an Apprentice; and order a Restitution of Money given where the Fault is in the Master, as Negligence in instructing his Apprentice in his Trade, &c. *Apprentices when discharged. Hawksworth's Case, Sess. Civ. Ebor. 25 Car. 2.* If the Apprentice be in Fault, he may be sent to the House of Correction. *5 Eliz. c. 4.*

Lessee for Years of a Farm takes an Apprentice, and the Term expires before the Apprenticeship is ended, he must go with the Farm, if his Master will permit him; but where a Man taketh an Apprentice by Reason of his Ability, and the Master dies before the End of the Apprenticeship, he shall go to the Executor or Administrator, if he hath Assets; and if none, then he must return to the Parish where last settled. *Show. Rep. 405.* *How Apprentices go on a Master's Death.*

Besides the Statutes aforementioned relating to Apprentices, the Stat. 2 Ann. requires the placing forth poor Apprentices to the Sea-Service. *Apprentices to Sea-Service.*

Two Justices, Mayors, or chief Magistrates of Towns, &c. or Church-wardens and Overseers of the Poor, with the Consent of two Justices, &c. may place out Boys of ten Years of Age and upwards (by an Act since made, 13) likely to be a Charge to the Parish. *Who may put out.*

## Church-wardens and

*By Church-wardens and Overseers, &c.* **rish,** whose Parents are chargeable; and those who beg for Alms to the Sea-Service, till they come to the Age of one and twenty Years; and 2 *l.* 10 *s.* is to be given with each Boy by the Church-wardens and Overseers, to provide Clothing and Bedding, which will be allowed in their Accounts. 2 *Ann. c.* 6. Boys are to be sent to the Port likewise at the Charge of the Parish, in the same Manner as Vagrants. 11 & 12 *W.* 3.

*Masters of Ships to take them.* Every Master or Owner of a Ship from 30 to 50 Tuns, not taking one such poor Boy Apprentice; one more for the next 50 Tuns, and one more for every 100 Tuns above the first 100, shall forfeit 10 *l.* to the Poor of the Parish from whence the Boy was to be bound. *Stat.* 2 *Ann. c.* 6.

*Indentures how executed.*

Church-wardens are to send the Counterpart of the Indenture to the Collector of the Customs, in the Port to which the Master belongs; it must be sealed by the Master, in the Presence of the Collector and Constable there, and be attested by them, and afterwards returned to the Church-wardens: But such Collector must first enter it in a Book, and indorse the Indenture that 'tis registred, and subscribe his Name without Fee, or he shall be liable to the Penalty of 5 *l.* to the Use of the Poor. *Ibid. Stat.*

*Collectors of Ports to keep Registers, &c.*

Collectors at their Ports are to keep a Register of the Names of Masters and Apprentices, and from what Parishes they came; the Number and Burden of all Ships and Vessels, &c. and transmit true Copies thereof to the Quarter-Sessions when thereunto required.

These Apprentices shall not be pressed, till they are 18 Years of Age; but then they may be

## Overseers of the Poor.

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be pressed, and the Masters shall receive their Wages.

Parish Boys bound Apprentice, according to 43 Eliz. may at the Request of the Master, &c. and with the Consent of two Justices, be turned over to Masters and Owners of Ships, for the remaining Time of their Apprenticeships, by Indenture of Assignment. And the Widows of Masters of Ships may assign over their poor Apprentices to other Masters. In other Cases, a poor Child bound Apprentice, cannot be legally assigned to another Master. *Salk. 68.*

Two Justices, &c. near the Port where any Vessel shall arrive, have Power to hear and determine all Complaints of hard Usage to these Apprentices; and to make Orders as between Masters and Servants. *Stat. 2 Ann. cap. 6.*

An Action of Trespas will lie for taking an Apprentice out of his actual Service; and for enticing such out of their Master's Service, or detaining a hired Servant, an Action of the Case will give Remedy.

By 5 Eliz. none shall set up any Trade who hath not served 7 Years Apprenticeship; but Apprentices going into the Army might do it in the County where born, by Stat. 10 & 11 W. 3.

## Of Servants, &c.

Two Justices of Peace, Mayors or other Head Officers of any City, Borough or Town Corporate, may warn all single Persons under the Age of thirty, to go to Service at a Time prefixed; and any Woman upwards of twelve

## Church-wardens and:

twelve, and under forty Years old, being unmarried, they may compel to go to Service.

*Punishment on Refusal.*

If such Persons neglect to go to Service, and continue to live idly, having no visible Estate, they may be sent to the House of Correction, or be bound over to the Sessions, and to be of the good Behaviour in the mean Time. *Stat. 5 Eliz. cap. 4.*

*Wages of Servants, &c. set by Justices.*

Justices of the Peace in their *Easter Sessions*, or within six Weeks after, Mayors, &c. are to limit and assess the Wages of Servants, Labourers, Workmen, &c. on Pain of 10*l.* Every Justice being absent, and not having some reasonable Excuse. *Stat. 5 Eliz. cap. 4.* Labourers and Workmen working by the Day, Week, Month or Year, or taking Work by the Great, are within the Statute; and Sheriffs and Mayors, &c. are to proclaim the Rates. *Stat. 1 Jac. 1. cap. 6.*

*Exception of Coachmen, &c.*

If Justices in Sessions make an Order for the Payment of Servants Wages, it is good, by Reason they have Power to compel the Service; but for the Wages of a Coachman, or the like, they have no Power to make an Order, because they cannot oblige a Man to serve in that Capacity. And one *Ryecroft* a *Middlesex* Justice, had 30*l.* Damages recovered against him for making an Order for the Payment of a Seaman's Wages. *T. Jones's Rep. 47.*

*Masters giving more. Servants taking more.*

If a Master gives more Wages than set by Justices, he forfeits 5*l.* and may be committed for ten Days without Bail: And a Servant taking more Wages, shall be committed for one and twenty Days: But a Master may reward a Servant as he pleases, so as it is not by



by Way of Contract on the Retainer. *Stat.*

*5 Eliz. c. 4.*

If a Labourer or Servant depart before he has finished his Work agreed to be performed (except for Non-payment of Wages, or with Leave of the Master, or being taken into the King's Service) he is to be committed for a Month without Bail, and to forfeit 5*l.* *Stat.*

*5 Eliz. cap. 4.*

If a Servant refuse to serve for the Wages appointed by Justices; or having promised to serve, shall not comply, he shall be committed until he gives Security for his Service; and if a Servant depart before the End of his Term, being hired for a Year, without Cause allowed by a Justice, or after his Term is expired, without giving a Quarter's Warning, two Justices may commit him without Bail, till he give Security to serve for the Time agreed on. *Stat. 5 Eliz.* And by the Statute *7 Jac. c. 4.* one Justice may send him to the House of Correction, there to be punished as a disorderly Person.

A Master likewise cannot put away a Servant before the End of his Term, without some reasonably Cause, to be allowed by one Justice; nor after the End of the Term, without a Quarter's Warning given before Witness; if a Master discharges a Servant otherwise, he is liable to a Penalty of 40*s.* *Stat. 5 Eliz. cap. 6.*

A Servant ought not to be discharged by Reason of Sickness, or any other Disability by the A&T of God; nor may his Wages be abated for those Causes. *Dalt. 129.*

But both Master and Servant may part by Consent; and then the Allowance of the Cause by a Justice of Peace is not necessary.

A

*Labourers not finishing Work*

*Servants refusing to serve for Statute Wages.*

*Or leaving Masters without Quarter's Warning.*

*Masters putting away Servants.*

*Sickness, &c. no Cause of Discharge or Abating Wages.*

*Parting by Consent.*

## Church-wardens and

A Master's detaining Wages, or not allowing sufficient Meat, Drink, &c. is good Cause for a Servant's Departure; but it must be allowed by a Justice. *Dalt.*

**How Wages paid on Parting.** If a Master puts away his Servant, he shall have Wages to the Time he served; but if the Servant depart himself before the End of his Time, he loses all his Wages.

**On the Death of a Master.** If a Servant be retained a Year, according to the Statute, and the Master dieth within that Time, the Executors must pay the Wages; *Contra*, if the Retainer was not for a Year. But all Retainers and Promises for Payment of Wages, contrary to the Statute, are void. *Stat. 5 Eliz. cap. 4.*

**Servants assaulting Masters.** A Servant or Workman assaulting his Master, may be bound to the good Behaviour by one Justice; or two Justices may commit him for a Year or less at their Discretion. *5 Eliz.* And if any Servant shall purloin or make away with his Master's Goods to the Value of 40s. it is Felony. *Stat. 12 Ann.*

**Servants with Child retained.** If a Woman with Child procure her self to be retained with a Master who knows nothing thereof, this is good Cause to discharge her from her Service; if she be gotten with Child during her Service, it is the same Thing; and if the Term be ended, or she lawfully discharged, the Master is not bound to provide for her, but tis a Misfortune laid upon the Parish, which they must bear as in Cases of casual Impotency. *Resolved Anno 1633.*

**How provided for.** The Master not having legally discharged his House of such a Servant, he must provide for her till her Delivery, and one Month after; and then she is to be sent to the Place where last legally settled. *Dalt.*

**What the Master is to do.**

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## Oberseers of the Poor.

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If a Woman Servant marrieth, she is obliged to serve out her Time; and if both Man and Wife agree to serve, they must perform the Agreement. *Dalt. 92.* *Servants marrying.*

### *An Agreement between a Master and Servant.*

*Memorandum*, it is agreed this Day, &c. between A. B. and C. D. in Manner following, viz. That he the said A. B. shall and will receive the said C. D. into his House and Service for the Term of one whole Year, from the Date hereof; and provide for the said C. D. competent and sufficient Meat, Drink, Washing and Lodging; and also pay and allow unto him the said C. D. the Sum or Wages of 5 l. he the said C. D. continuing in the Service of him the said A. B. during the said Term: And the said C. D. Covenants and Agrees with the said A. B. That he the said C. D. shall and will for the Considerations aforesaid, faithfully serve him the said A. B. in the Business and Service of, &c. for and during the said Term of one Year, without absenting from the same, or imbezilling any of the Money or Goods of the said A. B. or any Ways disclosing the Secrets of his said Master. *In Witness* whereof the Parties aforesaid have hereunto set their Hands, &c. the Day and Year above written.

### *Of Bastards.*

As Bastards are frequently chargeable to Parishes; I shall take some Notice of them. *Who are Bastards.*  
All

## Church-wardens and

All Children born out of lawful Wedlock, are Bastards: And Issue born before Marriage, tho' the Parties afterwards intermarry; Issue by a second Wife, the first living; the Issue of Persons divorced; Children born during Marriage, where a Husband is gelt; Children born after a Husband has been some Years beyond Sea, or not within the four Seas during the Woman's being with Child, are likewise Bastards. 47 Ed. 3. 18 H. 6. Co. Litt. 235. Roll. Abr. 358, &c.

*Time of Legitimacy in Birth.*

But Issue born forty Weeks and eight Days after the Departure or Death of the Husband, is no Bastard. Cro. 1 Jac. 451. Alsop vers. Bowtrel. Though Coke upon Littleton holds forty Weeks to be the latest Time for the Birth of legitimate Issue, p. 123.

*Proceedings where a Bastard is begotten.*

Where a Bastard is begotten on a Woman, she is to be examined upon Oath by a Justice of Peace; and on her Swearing to the reputed Father, the Justice shall issue out his Warrant for his Apprehension; and when the Person appears before the Justice, he is to enter into Recognizance with Sureties, and to be of the good Behaviour, till Order be made by two Justices. Dalt. 39. Salk. 380.

*Order of Justices for the Relief of the Parish.*

When the Child is born, two Justices (*Quorum unus*) who are next the Place are at a private Meeting to examine the Matter, and make an Order for the Punishing the Father and Mother, the Relief of the Parish in Part, or in all, and charging the Parents with Payment of Money weekly, for Relief of the Child: But a Bastard of a Person able to keep it, and not likely to become chargeable to the Parish, is not within the Statute. Stat. 18 Eliz. cap. 3.

*Persons able to keep the Child.*

Justices



Justices have no Power but to indemnify *The Fa-*  
the Parish; that is, only to oblige the puta- *ther may*  
tive Father to maintain the Child, as long as *maintain*  
it is, or may be chargeable to the Parish; for *the Child*  
the Father may take the Child when he plea- *himself.*  
ses, and maintain it himself; wherefore Or-  
ders for Payment of Money weekly, till the  
Child attains a certain Age, have been quash-  
ed. 2 Saund. 82. Salk. 121, &c.

## *An Order of Justices for maintain- ing a Bastard-Child.*

**W**Hereas *M. A.* was on or about, &c.  
last past delivered of a Bastard-Child  
in the Parish of, &c. which is now living,  
and likely to become chargeable to the said  
Parish: *And whereas* upon due Examination,  
it appears, that *A. B.* of, &c. is the Father  
of the said Bastard-Child. Now we *T. D.* and  
*J. S.* of, &c. Esqs; two of his Majesties Jus-  
tices of Peace for the County aforesaid, and  
living nearest to the said Parish of, &c. For  
the Relief of the said Parish, and Mainte-  
nance of the said Bastard-Child, do accord-  
ing to the Statutes in that Case made and  
provided, Order the said *A. B.* to pay weekly  
and every Week from the Time of the Birth  
of the said Child, and so long as it shall be  
chargeable to the said Parish of, &c. unto the  
Church-wardens or Overseers of the Poor of  
the said Parish for the Time being, the Sum  
of, &c. for and towards the Maintenance of  
the said Child: *And we do hereby further or-*  
der, That the said *M. A.* shall pay weekly  
and every Week for so long Time as the said  
Child

## Church-wardens and

Child shall be chargeable to the said Parish of, &c. as aforesaid, and she shall not keep the Same, the Sum of, &c. to the Church-wardens, &c. of the said Parish for the Time being, for the further Maintenance of the said Child: Or that she the said *M. A.* shall be sent to the House of Correction and there kept to hard Labour, &c. (If she be not able to contribute to the Maintenance of the Child.) And lastly, we order, That the said *A. B.* &c. do, upon Notice of this our Order, forthwith give sufficient Security to the Church wardens and Overseers of the said Parish of, &c. well and truly to do and perform what is ordered as aforesaid. *In Witness, &c.*

*Appeal to Sessions, when may be brought.*

The putative Father may appeal to the Order at the next Sessions, if he hath good Cause: And upon the Appeal, the Sessions will either affirm or quash the Order of the two Justices: And in Case the two Justices cannot agree in making their Order, it may be referr'd to the Sessions. If the reputed Father brings an Appeal against the Order, he must enter into a Recognizance for his Appearance at the Sessions, to have the Matter determin'd: Not giving Security to the Parish, and refusing to enter into such Recognizance, the two Justices making the Order may commit him. *Stat. 18 Eliz.*

*Orders revoked, &c.*

If Justices of Peace in their Sessions, revoke an Order of two Justices for keeping a Bastard-Child; and no Father can be found, they are liable to keep the Child themselves. *Vent. 59.*

*Child dying.*

If a Child dies after the Order is made, and before the next Sessions, and no Security be given to perform the Order; yet when the Party

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Party appears at the Sessions, the Justices may order him to pay the Charges, upon Proof of serving the Order.

And an Order made to pay such Charges *Charges to* as the Parish had been at, without saying, *be paid.* that the Child was likely to be chargeable, &c. was held good. 1 Vent. 37.

If the Father of a Bastard-Child pay a competent Sum of Money in Gross to the Overseers of the Poor, for Maintenance of the Child, he shall be discharged; and the Overseers are to release him: But if he do not pay such a Sum, he may give Bond to the Churchwardens and Overseers to indemnify the Parish; And if the Child then become chargeable to the Parish, the Justices may not intermeddle; but the Parish must sue the Sureties on the Bond. *Paying a Sum to indemnify the Parish.*

*A Condition of a Bond, given to Church-wardens and Overseers of the Poor, for indemnifying the Parish from a Bastard-Child.*

**W**Hereas M. A. of, &c. Single Woman, upon Examination lately taken before, &c. One of his Majesty's Justice of the Peace for the County of, &c. aforesaid, hath declared and affirmed upon Oath, that she is great with Child, (or hath been lately delivered of a Bastard-Child). And that the above-bound A. B. is the Father of such Child or Children she now goeth withal. *And where-* as the said Child or Children when born, may

## Church-wardens and

may become chargeable to the Parish of, &c. aforesaid: If ~~therefore~~ the said *A. B.* and the above-bound *E. F.* and *G. H.* or either of any of them, their, or either or any of their Heirs, Executors, or Administrators, do and shall from Time to Time, and at all Times hereafter, fully and clearly exonerate and discharge, or otherwise well and sufficiently save and keep harmless and indemnify, as well the above-named *J. K. L. M.* and *N. O.* Church-wardens and Overseers of the Poor of the Parish of, &c. aforesaid, and their Successors for the Time being, and every of them; as also all the Inhabitants and Parishioners of the said Parish of, &c. which now are, or hereafter shall be, and every of them of and from all and all manner of Expences, Damages, Costs and Charges whatsoever, which shall or may at any Time hereafter arise, happen, come, grow or be imposed upon them, or either, or any of them, for or by Reason or Means of the said *M. A.*'s being now great with Child as aforesaid; or for or by Reason and Means of the Birth, Maintenance, Education and bringing up of such Child or Children that she the said *A. B.* now goeth with; and of and from all other Troubles, Charges, Damages and Demands whatsoever concerning the same; then, &c. or else, &c.

Not giving Bond,  
&c. Order to be made.  
And not obeying the Order,  
Parties punished.

If the Party do not give such a Bond of Indemnity, the two Justices are to proceed in the making of their Order, for the Security of the Parish; and if after the Order made, the reputed Father and Mother, having Notice thereof, shall not perform the same, the Party making Default shall be committed till Security be given for the Performance of the

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## Overseers of the Poor.

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Order, or to appear at the next Quarter-Sessions. *Stat. 18 Eliz. c. 3.*

Church-wardens and Overseers of the Poor *Goods, &c.* where a Bastard shall be born, may by Order *to be seized.* of two Justices seize Goods, and receive Rents of the Lands of the reputed Father and lewd Mother, towards the Discharge of the Parish; which Order being confirmed in the Sessions, the Church-wardens may sell the Goods, &c. *Stat. 24 Car. 2. c. 12.* Though this is seldom done but where a Party withdraws himself clandestinely. *Where the Father absconds.*

Two Justices may inflict a corporal Punishment upon the reputed Father, not being of Ability to discharge the Parish, by Whipping. *Stat. 18 Eliz.* And by the Statute 7 *inflicted.* *Corporal Punishment when* *fac.* the Justices may commit lewd Women to the House of Correction, who have Bastards that may be chargeable to the Parish, there to be punished and set at Work for a Year.

But if the Woman will discharge the Parish, she cannot be punished by this last Act; yet, by Virtue of 18 *Eliz.* she may be punished by Whipping: But a Woman is not to receive any Punishment, till she is delivered. *Discharging the Parish exempted from it.* *Dalt. 41.*

Officers negligently suffering an Escape of the reputed Father; and any Person who shall persuade or convey away the reputed Father or Mother, may be bound over to the Sessions by one Justice, and there be ordered to contribute towards the Maintenance of the Child, or may be fined. *Permitting the reputed Father to escape.*

Justices in Corporations, &c. are to put the Acts in Execution relating to Bastardy as Justices in the Counties, &c. And it is Murder *Concealing Death of Bastards, for &c.*

## Church-wardens and

Defama-  
tion in re-  
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Bastardy.

How Bas-  
tards set-  
tled.

Parishes to  
provide for  
the Poor.

Children  
settled  
where  
born.

for a Woman to conceal the Death of her Bastard. 3 Car. 1. c. 4. 21 Fac. 1.

If any Person shall conspire to charge another with a Bastard-Child, he may be indicted; and a Woman wrongly charging a Man with getting a Bastard upon her Body, was committed to the House of Correction for Life. Pasch. 13 Car. 1. The usual Punishment of these Offenders, is publick Whipping, &c. 1 Vent. 305.

Bastards, having in the Eye of the Law no Father, gain a Settlement by their Birth. They are to be placed with the Mother till seven Years of Age; and then be sent to their Place of Birth, the Mother or reputed Father not being able to provide for them.

## Settlements.

We have several Laws in Force to confine Men to certain Places of Settlement, and Habitation; and by Statute, every Parish is obliged to provide for its own Poor. 43 Eliz. cap. 2.

If a Father has a legal Settlement in a Parish, the Child is settled where the Father is; but if the Father has no legal Settlement, then the Child gains a Settlement in the Parish where born. 2 Bulst. 351.

If Parents of poor Children die wandering and in *Transitu*, the Children are to be provided for by the Parish where they were born; for the Place of Birth is a certain Settlement, and Parents wandering with them afterwards will not alter the Case. Bulst. Rep. 351.

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Children are to be sent to, and settled with the Parents : And Children above 7 Years of Age, found begging, and vagrant with the Parents, are to be sent to *Bridewell* with them; if under, to the Place where they last passed thro' without Punishment.

If a Woman with Child sent to the House of Correction, be there delivered, the Child shall not gain a Settlement in the Parish where born; but the Parish where the Mother dwelled when sent to the House of Correction, shall provide for the Child. 2 *Bulst.* 358.

If a travelling Women, having a small Child sucking on her, is apprehended for Felony, and tried, condemned, and executed, this Child is to be sent to the Place of its Birth, if that can be known; if not, to the Place where the Mother was taken. *Dalt.* 158.

As Children are to be sent to their Parents, so a Wife is to be sent to, and settled with her Husband; and tho' he be at a Place but as an Inmate or Servant, she shall be settled with him: But Children of the Wife, by a former Husband, settled with her at another Place, shall not be remov'd with her and settled with him. *Salk.* 482.

If a Husband hath a House in *A.* and live there by Night, but is a Covenant-Servant to a Master in the Parish of *B.* and he is there all Day; in this Case his Wife and Children shall continue in *A.* where they are settled; but if the Husband take a House in *B.* they must be settled there with him.

The Law unsettles none who are lawfully settled; nor permits it to be done by Compulsion, &c. A Man having a Wife and Children, takes a House in the Parish of *B.*

*Settled with Parents.*

*Children born in Prison excepted.*

*Women with Child committing Felony.*

*Wife to be settled with her Husband.*

*Taking a House makes a Settlement.*

*Persons ejected, not alter the Settlement.*

for a Year; and in that Year he is wrongfully turned out of Possession; whereupon he takes a House in the Parish of C. from which he is also ejected in a short Space; and thereby wanting a Place to live in, he gets in a Barn in the Parish of D. and there his Wife is delivered of another Child; in this Case they are all to be sent to the Parish of B. out of which they were first illegally forced *Resol.* 1633.

*What  
Persons  
not to be  
removed.*

If a Man have an Estate in a Parish, he cannot be removed from thence though he is likely to become chargeable, let him be settled where he will. *5 Mod.* 406. And Persons whose Interest in Houses or Lands is determined, cannot be put out of the Town where legally settled, but they shall be relieved or set on Work there; unless they commit any Act of Vagrancy, when they may be sent to the Place of their Birth. *Dalt.* 158.

*Forty Days  
a Settle-  
ment.*

*Persons  
venting  
under 10 l.  
a Year, to  
be remov'd.*

The Statutes relating to Settlements, are the 13 & 14 *Car.* 2. 3 & 4 *W. & M.* 8 & 9 *W.* 3. 12 *Ann.* &c. By the Statute 13 & 14 *Car.* 2. c. 12. when any poor Person came to settle in a Parish in a Tenement under 10 l. *per Ann.* upon Complaint by the Church-wardens and Overseers of the Poor to any Justice of Peace within 40 Days, two Justices might by Order remove him to the Place where he last dwelt for forty Days; which shews that 40 Days made a Settlement before this Act.

*Notice of  
Persons  
coming in-  
to a Pa-  
rish.*

But the 40 Days were to be accounted from the Time of publick Notice given to the Church-wardens or Overseers in Writing of the Place of his Abode, and Number of his Family;



## Overseers of the Poor.

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Family; and their publishing of it likewise.

*Stat. 3 & 4 W. & M.*

This Notice was to be read in the Church by the Overseer or Church-warden, the next Sunday after Divine Service, under the Penalty of 40s. The like Penalty for neglecting to register such Notice, to be levied by Distress, &c. And for want of Distress to be committed for a Month without Bail. *Stat. Ibid.*

*To be published by Overseers, &c.*

But Persons renting 10l. a Year; executing upon their own Account any publick yearly Office, or Charge for a Year; paying to the Poor's Rate, or any Share of Taxes of the Parish (unless it be the King's Tax;) unmarried Persons not having Children, hired for a Year; and Persons bound Apprentice and inhabiting in a Town, are excepted out of this Act, and gain a Settlement without giving Notice as aforesaid. *Stat. 3 & 4 W. & M. c. 11.*

*Persons gaining a Settlement, without Notice.*

Tho' in respect to Servants, it must be one entire Hiring, and one entire Year's Service, in Pursuance of that Hiring, that can gain the Party a Settlement, by Force of this Act, 8 & 9 W. 3.

*Settlement of Servants.*

A Servant was hired first from Lady-Day to Michaelmas, and then to Lady-Day following; adjudged a good Settlement, there being an entire Hiring for a Year, though different Times are mentioned. *Hill. 10 W. 3.*

*Hiring for a Year.*

An unmarried Person hired for a Year, married before the Year was expired; and it was held, that he could not be removed, and that upon performing his Service he would gain a Settlement. *Salk. 527.*

*Persons hired marrying.*

And if a Maid Servant hired for a Year, be turned away on Account of Sickness before

*Turning away.*

the Year expired, she nevertheless obtains a Settlement there. *Style 168.*

*When no Settlement gained.*

No Settlement can be legal in any Parish, when the Residence of the Party is obscure, and uncertain; or where a Person is under Disturbance by Officers. *3 & 4 W. & M.*

*Certificates on Persons Removal to another Parish.*

By the Statute 8 & 2 W. 3. c. 30. a Poor Man may remove from one Parish to another, having a Certificate under the Hands and Seals of the Churchwardens and Overseers of the Poor, or under the Hands and Seals of the Overseers, where there are no Churchwardens, acknowledging the Person therein mentioned to be an Inhabitant legally settled in their Parish; which Certificate being attested by two Witnesses, and allowed and subscribed by two Justices, shall oblige the Parish to receive the Person, &c. when he shall become chargeable, &c.

*Settlement on such Certificate, &c.*

But no Person who shall come with such Certificate shall have a legal Settlement in the Parish, unless he *bona fide* take a Lease of a Tenement of 10 l. per Annum, or shall be placed in, and execute some annual Office. *Stat. 9 & 10 W. 3. c. 11.*

*Apprentices, &c. to Persons by Certificate.*

And he who shall be an Apprentice by Indenture, or a hired Servant to one who comes into a Parish by Certificate, nor afterwards gaining a legal Settlement there, shall not by Virtue of his Apprenticeship, Indenture, or binding, nor such Servant, by being hired or serving such Person, gain any Settlement there. *12 Ann. c. 18.*

## *A Certificate of a Person's being a Parishioner.*

**W**E whose Names are here under written, Church-wardens and Overseers of the Poor of the Parish of, &c. in the County aforesaid, do certify that *A. B.* Labourer, the Bearer hereof, is an Inhabitant legally settled in our said Parish of, &c. And we do hereby oblige our selves and Successors, to receive the said *A. B.* and his Family, whenever he shall become chargeable to the said Parish of, &c. by Impotency, Casualty, Sickness, or otherwise; to which said Parish of, &c. the said *A. B.* is desirous to remove for his better Support and Employment. *In Witness* whereof, we have hereunto set our Hands and Seals, &c.

*G. D.* Church-warden.

*E. F.* } Overseers.  
*G. H.* }

*J. K.* } Inhabitants.  
*L. M.* }

We *N. O.* and *W. R.* Esqs; two of his Majesty's Justices of the Peace for the County of, &c. aforesaid, do hereby allow of the Certificate above-mention'd. *Witness* our Hands,

*N. O.*  
*W. R.*

Some Years since a Question arose between two Parishes in the County of Northampton, upon an Order removed into B. R. which was thus: A Person who was not legally settled

Extraordinary Case relating to Settlements.

*Persons re-  
moved by  
Certificate.*

tled in the Parish, but had lived there some Time, procured a Certificate, by Virtue of which he went into another Parish, where he was settled as an Inhabitant with them; afterwards being Poor, the Parish from whence he came took him again; but upon Enquiry found that he was never lawfully settled with them, but had gain'd a Settlement in another Place, before they gave this Certificate; and thither they remov'd him by Order. The Parish to which he was removed appeal'd, because those who had given the Certificate, had own'd him to be an Inhabitant settled with them; but the Certificate was held by the Court to be only an Evidence of a Settlement; and thereupon the first Order was confirmed. *Trim. 2 Ann.*

*Church-  
wardens  
&c. refu-  
sing a Per-  
son by Or-  
der.*

Church-wardens and Overseers refusing to receive a Person sent by Order of two Justices, forfeit 5*l.* to the Use of the Poor of the Parish from whence the Party was removed. *Stat. 12. Ann. c. 18.*

*Appeals  
concerning  
Settle-  
ments.*

*Costs to be  
paid, &c.*

But though they may not refuse a Person sent by Order, they and others aggrieved by any Order of Justices, may appeal to the next Sessions of the County or Place wherein the Parish lies, from whence the poor Person is removed, as I have already intimated; but on the Appeal, the Sessions may order Costs to be paid by the Overseers of the Poor, or other Person against whom 'tis determin'd; and it is the same on giving Notice to a proper Officer to appeal, and not prosecuting the Appeal. The Costs may be levied by Distress and Sale of the Goods of the Person ordered to pay it, by a Justice's Warrant; and if no Distress can be had, the Party shall be

com-



## Overseers of the Poor.

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committed to Gaol for twenty Days. 8 & 9  
W. 3. c. 30.

Church-wardens and Overseers, for every Neglect and Default in executing their Offices relating to the Poor, forfeit the Sum of 20 s. to be employed to the Use of the Poor of the Parish: The Default to be proved either by Confession or Oath of one Witness, and the Penalty levied by the new Church-wardens and Overseers, by Distress and Sale, by Virtue of a Warrant from one Justice; and for want of Distress, two Justices may commit the Offender to Gaol till Payment. 43 Eliz. c. 2. Dalt. 97.

*Overseers,  
&c. neglecting  
their Duty.*

*Penalty.*

### *The Act 5 George 1. c. 8. concerning Families left on Parishes.*

The Church-wardens or Overseers of the Poor, where any Wife, Child or Children, shall be left on the Charge of any Parish, making Application to and by Warrant from two Justices, may seize so much of the Goods and Chattels, and receive so much of the Rents and Profits of the Lands and Tenements of the Husband, Father, &c. of such Wife or Children, as the Justices shall direct, for the Discharge of the Parish, in providing for such Wife or Children.

*Where  
Children  
left on a  
Parish,  
Goods, &c.  
of the Fa-  
ther to be  
seized.*

And at the next Quarter-Sessions, the Justices may make an Order for the Church-wardens or Overseers, to dispose of the Goods or Chattels by Sale thereof; and also to receive the said Rents and Profits of the Lands

*And sold by  
Order of  
Justices.*

## Church-wardens and

and Tenements, or so much of them as they shall think fit.

*Subject to  
Account.*

But the Church-wardens, &c. are to be accountable for all Money as they receive, to the Justices in Sessions.

*The new Act 9 Geo. 1. c. 7. for  
providing Houses, &c. for the  
Poor.*

*Relief of  
Poor by  
Justices.*

Justices of Peace are not to Order Relief to poor Persons, until Oath be made of reasonable Cause; and that they had applied to the Parishioners at some Vestry or publick Meeting, or to the Overseers of the Poor of the Parish, and were refused to be Relieved by them; and until the Justice hath summoned the Overseers to shew Cause why Relief should not be given. All Persons ordered by Justices to be Relieved, must be Registered in the Parish-Books, as those who are to receive Collection; and no Officer of any Parish shall bring to the Parish Account, any Money he shall give to poor Persons not Registered in the Parish-Books, on Pain of 5*l*. Penalty, leviabie by Distress, by Warrant of two Justices, for the Use of the Poor of the Parish. But there is an Exception in the Act as to relieving Persons upon emergent Occasions.

*All Poor  
to be Re-  
gistered.*

*Houses for  
Lodging  
and Main-  
taining  
Poor, and  
taking  
their Works.*

Church-wardens and Overseers of the Poor, with the Consent of the major Part of the Parishioners, have Power by this Statute to purchase or hire any House or Houses in the Parish or Place, and contract with Persons for

## Overseers of the Poor.

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for Lodging, Keeping and Employing of Poor Persons; and there they are to keep them, and take the Benefit of their Work and Labour, for the better Maintenance and Relief of such Persons: And poor Persons refusing to be so lodg'd, kept and maintained, are to be struck out of the Parish-Books, and not be intitled to Relief. Two or more Parishes, where small, with the Approbation of a Justice of Peace, may unite in purchasing or hiring Houses for the aforesaid Purposes: And the Church-wardens and Overseers of the Poor of one Parish, with the Consent of the Majority of the Parishioners, may contract with the Church-wardens, &c. of any other Parish, for the Lodging and Maintenance of Poor. And no Persons, or their Apprentices, Children, &c. shall acquire a Settlement in the Parish, to which they shall be removed.

No Person shall gain a Settlement in any Parish, by Virtue of any Purchase therein, for which the Consideration doth not amount *bona fide* to 30*l.* for any longer Time than such Person shall inhabit in the Estate purchased; and shall after be liable to Removal to the Place where last legally settled. Persons taxed to the Highways, or on the Scavenger's Rates, shall not acquire any legal Settlement thereby in any Town or Parish where Paid.

In Case of Appeals from Orders for Removal of Poor; none shall be proceeded upon in the Quarter-Sessions, unless reasonable Notice be given by the Church-wardens or Overseers of the Poor of the Parish; making the Appeal to the Church-wardens, &c. of the Parish from which such poor Person shall

*Settlements when not gained by this Act.*

*Appeals, Notice to be given, &c. on Orders for Removal.*

## Church-wardens and

Costs and  
Expences  
allowed.

shall be removed: If reasonable Time of Notice be not given, the Justices may adjourn the Appeal to the next Quarter-Sessions; and if the Justices in their Sessions, determine in Favour of the Appellant, they are to award so much Money as shall be reasonably expended by the Parish on whose Behalf the Appeal was made, for the Relief of the poor Person, between the Time of the undue Removal, and the Determination of the Appeal.

And this shall be recovered in like Manner, as Costs upon an Appeal.

*A Contract for Lodging and Maintaining poor Persons.*

**I**T is contracted and agreed this Day and Year, &c. between A. B. and C. D. Church-wardens, and E. F. and G. H. Overseers of the Poor of the Parish of, &c. in the County of, &c. and I. K. of, &c. that he the said I. K. shall and will during the Term of, &c. next coming, at his own proper Costs and Charges, in the House of, &c. hired by the said A. B. and C. D. &c. find, provide and allow or cause to be found, provided and allowed unto and for T. W. R. T. L. I. &c. poor Persons of the Parish of, &c. aforesaid, sufficient Lodging, Meat, Drink, and other Necessaries for their and every of their Keeping and Maintenance; he the said I. K. being allowed the Work, Labour, and Service of them the said T. W. R. I. L. I. &c. from Time to Time, in such Work and Labour as he the said I. K. shall think fit to employ them



## Overseers of the Poor.

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them about; which the said *A. B. and C. D. &c.* the Church-wardens and Overseers of the Poor aforesaid, do hereby consent and agree he shall have accordingly. *Witness, &c.*

## Workhouses for the Poor, erected by Statute in Particular Places.

The most considerable Workhouse in the *In Lon-* City of London, is that in *Bishopsgate-Street,* don, un-  
set up pursuant to the 13 & 14 *Car. 2.* By *der a Pra-*  
which Act, Power is granted for the President *sident, Go-*  
and Governors of this Corporation, to pur- *vernors,*  
chase or take any Lands or Tenements not *&c.*  
exceeding 3000*l. per Annum,* and any Goods  
or Chattels, *&c.*

In this Workhouse, some Hundreds of idle *Persons*  
Persons are constantly employ'd in beating of *employed*  
Hemp, picking Oakum, *&c.* And as some are *therein,*  
discharged, others are committed: But the *and how*  
greatest Benefit arises from the Poor Children  
there maintained; who are Religiously edu-  
cated and employed in spinning of Wool,  
Knitting and Sewing, *&c.* They are dieted and  
cloathed, and taught to Read, Write and cast  
Account, whereby they are qualified for Ser-  
vices and Employments.

The President, *&c.* of this Workhouse is *Vagrants,*  
impowered to apprehend Vagrants, sturdy *Beggars,*  
Beggars, *&c.* and set them to Work. *&c.*

By the Stat. 7 & 8 *W. 3.* a great Workhouse *In Bri-*  
was erected in the City of *Bristol* for the bet- *stol, a*  
ter employing and maintaining the Poor; go- *Corporati-*  
vernored by a Corporation, consisting of the *on of Guar-*  
Mayor and Aldermen, Guardians and Assis- *dians. &c.*  
tants, *&c.* who may raise Money by a Tax  
on

*Their  
Power to  
provide  
Necessa-  
ries, &c.*

on the Inhabitants for the Maintenance of the Poor in the said Workhouse, not exceeding what hath been usually paid; they have Power to hold Courts for regulating the Affairs of the Poor, and make By-Laws for Government; and to provide what Necessaries they think fit for setting the Poor to Work; and compel idle People and Beggars, to dwell and inhabit in such Workhouses, and work there; also to keep Poor Children in order to be placed out Apprentice.

*And for  
all the  
Poor.*

This Corporation hath the Care of and providing for all the Poor of the said City; except such as are relieved by charitable Gifts, Hospitals, Alms-houses, &c.

*In Wor-  
cester by  
Stat. 3  
Ann.*

In the third Year of Queen Anne, a Law was made for erecting a Corporation for to provide for the Poor in the City of Worcester; and by this Act the Corporation is to consist of the Mayor, Aldermen, several of the Common Council, and others chosen out of each Parish, &c. which Corporation is empowered to hold Courts, summon Persons, &c. And also to provide Materials for setting the Poor on Work; oblige idle Persons and the Poor receiving Alms to Dwell and Work in the Workhouse, &c.

*Extends to  
whole  
County.*

And they have Power to contract with any Parish in the County of Worcester, for the Relieving, Employing and setting to Work of Poor Persons.

*In Glou-  
cester  
Stat. 13  
Geo. 1.*

By 13 Geo. 1. a Corporation is established for the better providing for and setting at Work the Poor in the City of Gloucester; consisting of thirty-one Guardians, chosen out of the several Wards and Parishes, at Vestries held by the Church-wardens and Overseers of

## Overseers of the Poor.

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of the Poor, &c. The Corporation may make By-Laws for better Government of the same; the Revenues thereof, and for the Maintenance of all such Poor as shall be taken into their Care, &c. And they are to charge how many weekly or other Payments shall be needful for maintaining the Poor in their Workhouses; by Certificate to the Mayor and Aldermen of the said City, who shall Order the same to be raised and levied on the Inhabitants.

*Power of the Corporation to make By-Laws, raise Money, &c.*

Also they may possess themselves of all the Goods and Effects of those who seek to them for Relief, or that are brought into the Workhouse.

*Goods of the Poor.*

The 1 Geo. 2. Enacts, that there shall be a Corporation to continue for ever within the City of *Canterbury*, for the Employing and Maintaining of the Poor there; it consists of the Mayor, Recorder and Justices of the said City, and twenty-eight other Persons elected out of the ablest Inhabitants, two out of each Parish: And they are to erect Workhouses, and raise Money by a Rate or Cess on the Inhabitants, &c. The Guardians may make Allowance to poor Persons who fall sick, or are ancient, without compelling them to come into the Workhouse; and are to cloath and maintain sixteen Poor Blue-Coat Boys separate and apart, and cause them to be instructed in Reading, Writing, &c. who are to be put out Apprentices, &c.

*In Canterbury by 1 Geo. 2. a Corporation, &c.*

*Rates and Assessments made.*

*Blue-Coat Boys.*

The Corporation is to provide for all the Poor of the fourteen Parishes; and to cause the Church-wardens and Overseers to complain to two Justices of Peace of the said City, in Order to remove such Poor as are like-

*Poor likely to be chargeable removed.*

ly

ly to become chargeable to the Place of their Settlement, &c.

### *Of Orders for Removal of Poor by Justices, &c.*

*Orders of Removal, how made, &c.*

As to *Orders for Removal*, an Order for removing a poor Person to a Place which the Order mentions to be, as the Justices are informed, the Place of his last Settlement, is not good, except it says the Information is upon Oath; but if on Appeal, the Order is confirmed, 'tis good. 5 *Mod. Ca.* 325.

An Order for Removal of a poor Person was quashed because there was no Judgment of the Justices concerning the last legal Settlement; but only the Oath of a Woman, &c. *Salk.* 485.

### *An Order to remove a Person to his Place of Settlement.*

**W** *Hereas* it appears to us *W. B.* and *I. S.* Esqs; two of his Majesty's Justices of Peace for the County of, &c. (one whereof of the *Quorum*) on the Complaint of *A. B. C. D. E. F.* &c. Church-wardens and Overseers of the Poor of the Parish of, &c. in the County aforesaid, that *L. I.* being on, &c. settled in the Parish of, &c. is now come into the said Parish of, &c. to endeavour to obtain a Settlement in the said Parish, not having done any Act as the Law requires to make him a Parishioner there, whereby he is likely to become chargeable to the Parish of, &c.

afore-



## Overseers of the Poor.

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aforesaid; And whereas it appeareth by the Oath of, &c. that the said L. I. was last legally settled at the Parish of, &c. which we do adjudge accordingly: Now we the aforesaid Justices do hereby Order the said L. I. forthwith to remove and depart out of and from the Parish of, &c. to the said Parish of, &c. the Place of his last legal Settlement; and that in Default thereof, you the Constable of, &c. do convey him the said L. I. unto the said Parish of, &c. and Deliver him to the Church-wardens and Overseers of the Poor there, or some or one of them; hereby also requiring you the said Church-wardens, &c. of the said Parish of, &c. to receive the said L. I. as your lawful Parishioner, and provide for him accordingly. Given, &c.

SUR-

# SURVEYORS, &c.

*Of Surveyors of the Highways, and Scavengers, their particular Business, &c.*

*What are Highways.*

**B**EFORE I come to the Office of Surveyors of the Highways, I shall let you know what are Highways, and what are private Ways, in the Eye of the Law.

And first, any Cart, Horse or Foot Way, common to all People, is the King's Highway; (whether it directly lead to any Market-Town or not) and a Nuisance in any of the said Ways, is punishable by Indictment. 6 Mod. 255. And if there be an Highway in open Field, when the Fields are bad in the Winter, Travellers may go on the Outlets

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lets of the Lands adjoining, being warranted by Custom: For the King's Subjects are to have a good Passage, and such Outlets are Parcel of the Way. 1 Roll. Abr. 390. Dalt. 98.

A private Way is that which leads from a Village, &c. to the Parish-Church, or Fields, without any Communication with a great Road; which is to be repaired by the Village or Hamlet, and sometimes by a private Person; (*contra* of Highways, the whole Parish shall be charged). If such a Way be out of Repair, every Inhabitant may have an Action; and for stopping the Way to the Church, they may have Action upon the Case. 1 Vent. 208.

*What private Ways.*

All Highways of Common Right are to be repaired by the Inhabitants of the Parish in which the Way lies; unless there be some special Matter to fix the Repairs upon others; as where a Person by an Enclosure streightens a Highway on both Sides, though the Parish repaired it before, yet now he is obliged to maintain it at his own Charge; but if he lays open the Enclosure, so that the Way remains as it did before, then the Parish is to repair it again. Cro. Car. 366.

*How both repaired of common Right.*

*Term. Pasch. 7 Jac. 1.* It was resolv'd, That all the Country ought to repair a Highway, where no particular Persons are bound to repair, because the whole Country have their Ease and Passage by it. Co. Rep. 13.

A Person may be obliged to repair a Way, by Tenure of Lands; and Lands have been often given for the Maintenance of Highways. See Statute 22 Car. 2. A particular Person may be bound to repair a Highway by Prescription; and so may a Corporation. Latch.

*Particular Persons bound to Repair.*

Rep. 206.

The

**King's  
Commission to a-  
mend**

**Ways, &c.**

**Surveyors  
of High-  
ways ap-  
pointed by  
Statute.**

**How cho-  
sen Persons  
qualified.**

**Lists of  
Persons.**

**Persons  
chosen not  
taking up-  
on them  
the Office,  
Penalty.**

The King by the Common Law might a-  
ward his Commission for amending the High-  
ways and Bridges throughout the Realm.  
*Dalt.* 77. And no Highway can be changed,  
&c. without the King's Writ of *Ad quod Dam-*  
*num*, and Licence thereupon, on Enquiry  
whether it will be prejudicial to the Publick,  
&c. 3 Cro. 267.

But the Statutes ordain, that for the Re-  
pairs of Highways, Surveyors shall be yearly  
chosen in every Parish, by Constables, Church-  
wardens, &c. and the Inhabitants thereof, as  
appears by 2 & 3 P. & M. c. 8. and by the  
Statute 3 & 4 W. & M. c. 12. Surveyors of  
the Highways are to be chosen in the follow-  
ing Manner.

On the 26th of December yearly the Parishi-  
oners are to assemble together, and make a  
List of a competent Number of Persons qua-  
lified to serve the Office, viz. such as have an  
Estate of 10 *l.* per Annum, either in their own  
Right, or in Right of their Wives, or who  
rent 30 *l.* per Annum, or are worth 100 *l.* in  
personal Estate: And for want of such, a  
List must be made of the most substantial  
Persons.

This List is to be returned by the Constables  
to two or more Justices of the Peace at a spe-  
cial Sessions to be held the third of January  
following, or within fifteen Days afterwards:  
Out of which the Justices in their Sessions  
are to appoint one or more to be Sur-  
veyors, &c. by an Order under their Hands  
and Seals.

And a Person appointed Surveyor, by the  
Justices, not taking upon him the Office, ha-  
ving Notice given by the Constables in six  
Days, and being served with the Order of  
the

the Justi-  
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be app-  
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## the Highways, &c.

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the Justices, he is liable to the Penalty of 5*l.* one Moiety to the Informer, and the other to be applied in the Reparation of the Highways. *Stat. 3 & 4 W. & M.*

Upon the Refusal of the Party nominated by the Justices in their Sessions to be Surveyor, and paying the Forfeiture of 5*l.* (which is to be levied by Warrant from the said Justices, granted upon Oath made of such Refusal by one Witness) the Justices are to appoint some other fit Person, who upon Notice is to take upon him the Office, under the like Penalty.

*Others  
elected.*

The Justices shall hold a special Sessions in their Divisions, every Year on the third of January, or within fifteen Days after; of which they are to give ten Days Notice to all Constables. And they are also to hold a Sessions for the Highways every four Months, under the Penalty of 5*l.* *Stat. 1 Geo. 1 c. 48.*

*Special  
Sessions to  
be held by  
Justices.*

At this Sessions the Justices may order the Reparation of those great Roads which most want repairing in the Hundred where the Sessions is held; which shall be first repaired, and in what Time and Manner. *Stat. ibid.*

*Proceed-  
ings there.  
Stat. 1  
Geo. 1.*

Surveyors of the Highways are within fourteen Days after the Acceptance of their Office, and so from Time to Time every four Months, to view the Roads, &c. and to present upon Oath, at the special Sessions, such Ways as are not in Repair, or they forfeit 5*l.* unless two Justices shall allow their Excuse. *Stat. 1. Geo. 1.*

*By Sur-  
veyors,  
&c.*

*Present-  
ment.*

## *A Presentment of a Highway out of Repair.*

**I** A. B. Surveyor of the Highways of and within the Parish of, &c. in the County of, &c. do hereby present, that the Highway leading from, &c. to, &c. in the said Parish, is very much out of Repair, and dangerous to all Travellers who pass that Road, and that the Inhabitants of the said Parish of, &c. ought to repair and amend the same.

A. B.

*Notice of  
Default in  
amending  
Ways.*

They are to give publick Notice from Time to Time every four Months, in the Parish-Church, the next Sunday after Sermon ended, of what Defaults they find in the Reparation of the Ways; and if they are not amended by those who ought to do it in thirty Days, then the Surveyor must within other thirty Days next following, repair the same, and shall be paid the Charges by the Party who should have done the same.

*Surveyors  
to repair,  
and be re-  
paid the  
Charges.*

In Case, when Notice is given as aforesaid, the Party do not repair the Ways in the Time limited; and if the Surveyors do amend them, and the Party neglecting, refuseth to pay the Charges, then upon Oath made of Notice, &c. as aforesaid, the Surveyor shall be repaid such Expences as a Justice shall think fit, to be levied by his Warrant. Stat. 3 & 4 W. & M.

Sur-

Surveyors not giving an Account of the Default in Defects of Highways, and of those who are sending bound to find Labourers and Teams, forfeit Teams, 5 l. unless the Justices in their Special Sessi- &c. ons allow a reasonable Excuse. Stat. 1 Geo. cap. 48.

They are to take the first seasonable Time, Days ap- to repair the Ways before Harveſt; and to pointed to appoint ſix Days for providing Materials, work with Carriages, &c. giving Notice of the ſeveral Teams, Days appointed; at which Time, all Perſons &c. liable muſt work, and the Ways are to be amended before the Feaſt of St. Luke.

Every Perſon in the Pariſh occupying a Carriages Plough-Land in Tillage or Paſture, and every other Perſon keeping a Draught or Plough, to be ſent ſhall ſend out a Wain or Cart, furniſhed with out by Oxen, Horſes or other Cattle, and two able whom, Men, every Day appointed by the Surveyor, upon Pain of 10 s. for every Default. Stat. Penalty. 2 & 3 P. & M. c. 8. 22 Car. 2. c. 12.

If all the Carriages in the Pariſh ſhall not be thought neceſſary by the Surveyors; then the Perſon whoſe Carriage is ſpared iſto ſend out two able Men to labour the Days appointed, or ſhall forfeit 1 s. a Day for every Man nor ſent. Ibid.

Every Houſholder, Cottager and Labourer, Cottagers, being no hired Servant, muſt either work &c. to himſelf for Repairs of the Highways, or hire a ſufficient Labourer to work, each of the ſix work. Days, on Pain of forfeiting 1 s. 6 d. per Day. 22 Car. 2.

And by an ancient Statute, Cottagers aſſeſſed at 40 s. a Year in Lands, or five Pounds in Goods, to the Payment of any Subſidy to the Crown, not chargeable to the Highways, but

but as Cottagers, are to find two able Men. *Stat. 18 Eliz. c. 10.*

*Tools to be provided.*

Persons and Carriages are to be provided with Shovels, Spades, Pick-Axes, and other Tools and Instruments necessary; and shall work eight Hours in the Day. *Stat. 22 Car. 2.*

In Places where Carts are not used, the Inhabitants shall send Horses, according to the Custom of the Place, with able Persons under the like Penalties.

*Plough-Lands in several Parishes.*

If any Man hath a Plough-Land in several Parishes, he shall be chargeable only to the Parish where he lives; but if he keeps several Plough-Lands in several Parishes, he shall be chargeable in every Parish. *18 Eliz. c. 10.*

*What is a Plough-Land.*

A Plough Land was formerly an Hundred Acres; since 80 Acres of Land: And by *Stat. 7 & 8 W. 3. c. 29.* 50*l.* per *Ann.* is declared a Plough-Land.

He who keeps a Draught, and but two Horses, ought to attend therewith for Reparation of the Highways. *Dalt. 105.*

*Every Draught to work.*

If a Man keeps several Draughts in a Parish, he is obliged to send a Team for each Draught, whether he occupy any Land in the Parish or not; and he who occupies several Plough-Lands, ought in like Manner to send a Team for each, whether he keep any Draught or not. *Raym. 186. 3 Keb. 567.*

*Land unoccupied.*

If the Owner of Lands neither occupy them, nor let them, but suffer them to lie fresh; he shall be charged as much as if he had occupied them. *Palm. 389.*

*Defaults.*

Upon Default of sending Carriages, working on the Highways, &c. the Surveyors are to complain to the next Justice of Peace, who upon



upon Oath made of the Default, will issue out his Warrant, to levy the Forfeitures by Distress and Sale, &c. to be employed towards amending of the Ways.

Where the Statute-Work falls short in repairing of Highways, the Justices in their Quarter-Sessions being satisfied thereof may cause Assessments to be made on every Person usually rateable to the Poor, not exceeding 6d. in the Pound of the yearly Value of Lands, &c. which Assessments not being paid in ten Days after Demand, may be levied by Distress. *Stat. 3 & 4 W. & M. c. 12.* And notwithstanding the six Days Work have not been performed, these Rates may be made. *Stat. 1 Geo. 1. c. 48.*

*Assess-  
ments for  
Repair of  
Highways.*

And when Surveyors have laid out their Money on Materials, as Stone, Sand, &c. in Parishes where they have none, for repairing of the Highways, on their making Oath before the Justices at their Special Sessions, of what they have expended, two Justices in the said Sessions may by Warrant under their Hands and Seals, cause a Rate to be made, for reimbursing the Surveyor, upon every Inhabitant, Parson, Vicar, and other Occupier of Lands, Tithes, Woods, &c. in the Parish, which Rate being allowed by the said Justices in their Special Sessions, may be levied on Persons refusing to pay the same, by Distress and Sale, &c. *Stat. 3 & 4 W. & M.*

*Reimbur-  
sing Sur-  
veyors, &c.*

And two Justices of Peace in their Special Sessions, may cause a Rate to be made for reimbursing a Person, where a Fine or Penalty is levied on him, for the Parish's Neglect in repairing of the Highways.

## Surveyors of

Persons aggrieved by Assessments may appeal to the Quarter-Sessions, whose Order shall be final.

### *Form of an Assessment for Repairing of Highways.*

**A**N Assessment made on the Inhabitants of the Parish of, &c. in the County of, &c. for the Repairing and Amending of the Highways in the said Parish, the Year; &c.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
A. B. Esq;	0	7	0
C. D. Gent.	0	5	0
E. F. Yeoman.	0	5	0
G. H. &c.	0	6	0
J. K. &c.	0	4	0

*Memorandum*, This Day and Year, &c. the above Assessment was allowed and confirmed by us L. M. and J. S. Esqs; two of his Majesties Justices of Peace for the County of, &c. aforesaid: And we do hereby empower L. D. Surveyor of the Highways in the said Parish, to ask, demand and levy the same of the several Persons above-mentioned, as the Act of Parliament directs; and if not paid in ten Days, to levy the same by Distress and Sale of their Goods. *Given, &c.*

L. M.  
J. S.

These

## the Highways, &c.

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These are the Methods of Taxation for the Power of Highways; and the Statute 7 & 8 W. 3. c. 29. *Special* enacts, That if the 6d. in the Pound ordered *Sessions in* by 3 & 4 W. & M. be not sufficient to repair *Assessing.* the Ways; after the same is levied and employed, the Justices in their Special Sessions held every four Months, may order the whole Parish to make good the Repairs thereof.

Surveyors of the Highways may take Stones and Rubbish already dug, out of any Quarry, for repairing of the Ways, without Leave of the Owner; and gather Stones in any Land without being Trespassers: But they cannot did for Stones without the Consent of the Owner of the Land. 5 Eliz. *Power of Surveyors in taking Stones, &c.*

But notwithstanding Surveyors may not did Digging for Gravel. for Stones, they may dig Gravel in any Ground contiguous to the Highway; except it be in a Garden, Orchard, Meadow, &c. provided it be but in one Pit or Hole, not above ten Yards over at most; and that the Hole be filled with Earth at the Charge of the Parish within a Month: Not filling up the Pit to forfeit five Marks. *Ibid.*

Surveyors have Authority to turn a Water-course or Spring of Water out of a Highway into any Ditch of the Ground adjacent; to make Sluices to such Ditches; and to make new Ditches and Drains in and through the Lands next adjoining, where the old Ditches, &c. are not sufficient to carry off the Water, and to come upon any of the said Lands with Workmen for that Purpose, and to keep them scoured, &c. *Stat. 5 Eliz.* *Turning Water out of Ways.*

*Ways how broad to be.* A Surveyor is to make every Cart-way leading to a Market-Town, eight Feet broad at least, and, as near as may be, level; and Causeways for Horses, must be three Feet broad. *Stat. 3 & 4 W. & M. c. 12.*

*Enlarging Highways.* And Justices of Peace in their Quarter-Sessions, or five of them, have Power to enlarge or widen any Highways, in their respective Counties, Ridings, Divisions, &c. so that the Ground to be taken into the said Highways do not exceed eight Yards in Breadth; and no House be pulled down, or Ground of any Garden, Orchard, Court or Yard be taken away, and making such Satisfaction for Damages, not exceeding twenty-five Years Purchase, as a Jury impanelled by the said Justices shall assess. *Stat. 8 & 9 W. 3. cap. 15.*

The Justices may order the Money to be raised by a Rate and Assessment, not above 6d. in the Pound, as Monies are levied for Repairs of the Highways.

*Ground taken in.* Justices of Peace are to issue their Precepts to the Owners of the Ground, to shew Cause why the Highways should not be enlarged: And the Proprietors of Lands taken into Highways, may cut down Timber, &c.

*Things laid in the Highway.* Persons laying any Thing in a Highway not being Twenty Feet broad, forfeits five Shillings. And if Timber, Hay, Straw, Stubble, or other Matter for making Dung, &c. shall be laid in any Highway, those who possess Lands adjoining, may remove and dispose thereof to their own Use. *Stat. 3 & 4 W. & M.*



Logs of Timber are not to be laid in any Highway, though there be sufficient Room for Travellers left. And no Trees, Shrubs or Bushes shall grow or stand in, or Bough or Branch overhang a Highway, under the Penalty of five Shillings. They are to be cut down by the Owners of the Soil within ten Days after Notice given by the Surveyors, under the like Penalties, to be levied by Distress; one Moiety to go to the Informer, the other towards the Repairing of the Ways. 3 & 4 W. & M. c. 12. *Trees, Shrubs, &c.*

Injuries to Highways, as laying Logs of Timber, erecting Gates therein or making Hedges overthwart them; digging Ditches, or suffering Ditches adjoining to the Highway to be foul, which render the Way less commodious to the King's People, are publick Nuisances at Common Law, and also by the Statutes. *Kitch. 34, 35. 8 H. 7. 2 Rol. Abr. 137.* *What publick Nuisances.*

Those who have Lands adjoining to the Highway, by the Statute 5 Eliz. must scour their Ditches, as often as there is Occasion; and lay Trunks or Bridges over them where there are Cart-ways in a Ground, that the Water may have a free Passage, under the Penalty of 1 s. per Rod. *Scouring Ditches.*

By the Statute 3 & 4 W. & M. if they neglect to do it ten Days after Notice, the Forfeiture is five Shillings. And by the Statute 1 Geo. 1. cap. 48. Persons who delay to scour and keep open Ditches near the Highways, 30 Days after Notice given by the Surveyors to do it, on Oath thereof made before the Justices at their Special Sessions, forfeit 2 s. 6 d. for every 8 Yards of Ditching.

not scoured, &c. to be levied by Distress and Sale, &c.

*Laying  
Soil in  
Highways  
on scouring  
Ditches.*

If in scouring Ditches any Person shall lay the Soil in the Highway, and not carry it away within 10 Days after Notice, he shall be liable to a Penalty of one Shilling *per* Load. *Stat. 3 & 4 W. & M.* But if it be not removed in eight Days after Notice, he forfeits not exceeding five Pounds, nor under twenty Shillings, by 1 *Geo. 1. c. 48.*

*Removing  
Posts.*

Those Persons who pull up, cut or remove any Post, Block or Stone, or other Security of a Horse-way or Cause-way, from Waggon, Carts, &c. forfeit for every Offence 20*s.* *Stat. 8 & 9 W. 3. c. 16.*

*Erecting  
Posts for  
Directions  
to Travellers.*

Surveyors of the Highways neglecting to erect or fix a Stone or Post, where two or more cross Highways meet, with an Inscription thereon in large Characters, as a Direction for Travellers, containing the Name of the next Market-Town, to which each of the adjoining Highways leads, according to a Precept from Justices of Peace at their Sessions, shall forfeit 10*s.* *Stat. Ibid.*

*Carriers  
Drawing  
Waggon  
with more  
than six  
Horses.  
Penalties.*

No travelling Waggon wherein any Burdens shall be carried, (except of Manure for Lands and Husbandry, Hay, Straw, Corn unthrashed, Coal, Timber, and Materials for Building, Stone, Artillery, &c.) shall be drawn in Highways, with more than six Horses, Oxen or Beasts, under the Penalty of five Pounds, one Moiety to the Prosecutor, the other for Repairs of the Ways.

The Penalty is to be levied by Distress of the Horses or Oxen, of the Owner of the Waggon in three Days, by Virtue of a Justice's Warrant: And any Person may dis-

train

## the Highways, &c.

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train or seize Horses, &c. and deliver them to the Surveyor or other Parish-Officer. *Stat. 9 Ann. cap. 18.*

The Person seizing, &c. neglecting to bring *Horses to* the Cattle to the Surveyor, forfeits Twenty *be seized.* Pounds. And the Surveyor neglecting to de- *Carriers* liver the Sum by him received to the Justice, is *Servants.* liable to the same Penalty, to be levied by Distress.

Persons employed by Carriers or others, and driving or assisting in the Driving any travelling Waggon with more than six Horses, &c. shall be liable to the Penalty of five Pounds, *ut supra* : But where six Horses, &c. are not sufficient to draw up Hill, or in any foul *Horses ad-* Way, any Person may, by the Consent of the *ded going* Owner or Driver, &c. add more Horses from *up Hills.* any other Cart or Waggon on the Road in the same Highway.

By the Statute 1 Geo. 1. c. 10. The Draw- *Five Hor-* ing of Waggons and Carts was to be with five *ses, Sta-* Horses, &c. in Length, and no more; under *tute 1* the Penalties in the Act 6 Anna. And this last *Geo. 1.* Act is according to the first Statute made on this Head, in the 22d and 23d Years of King Charles II.

But by 5 Geo. 1. cap. 12. travelling Wag- *New Act* gons are to be drawn with six Horses; and *5 Geo. 1.* Carts with three. Travelling with more, the extraordinary Horses shall be forfeited to the Seizor: And travelling Waggons must have their Wheels bound with Irons two Inches and an Half broad, or be liable to forfeit all the Horses above three in Number: And hindring the Seizure incurs a Forfeiture of 10*l.*

# Surveyors of

*Surveyors  
to account.*

Surveyors shall give an Account upon Oath, at a Special Sessions, of all Monies that come to their Hands, and how disposed, &c. And if any remains, they are to deliver it over to the next Surveyors, or forfeit double the Value of what shall be in their Hands.

*Justices to  
examine.*

Justices in their Special Sessions may examine on Oath, any Person who can give an Account of Money, which ought to be applied for mending the Highways; and levy the Penalties, &c. And the next Quarter-Sessions may make such Order as they think fit, where any Person shall find himself aggrieved. *Stat. 1 Geo. 1. c. 48.*

*Quarter-  
Sessions.*

Stewards of Leets have Power to inquire into the Breach of the Stat. 2 & 3 P. & M. for Repairing Highways, and to set Fines, &c. 2 & 3 P. & M. c. 8.

*Present-  
ments by  
Justices,  
&c.*

Any Justice may upon his own Knowledge present at the Quarter-Sessions any Offence concerning the Highways, upon which the Court may assess a Fine. *Stat. 5 Eliz. c. 13.*

Also one Justice upon his own View, &c. may commit him who resists any Person employed to put the Acts in Execution relating to the Highways, or rescuing Goods distrained, unless he pay 40s. to the Surveyor within seven Days. *Stat. 22 Car. 2.*

*Neglects  
of Survey-  
ors.*

By former Statutes, the Penalty was forty Shillings for Neglects of Surveyors in putting the Laws in Execution for repairing the Highways; but by the Statute 5 Ann. cap. 9. the Forfeiture is made Five Pounds. And by 1 Geo. 1. cap. 48. Surveyors misapplying Money, are liable to the like Penalty of five Pounds.

*5 l. Pe-  
nalty.*

Justices



## the Highways, &c.

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Justices neglecting or refusing to do what is required by the Stat. 3 & 4 W. & M. for the Highways, shall forfeit 5*l*.

All Matters concerning the Highways are to be determined in the County where they lie; and the Prosecution to be in six Months after the Offences committed; and no Presentment, Indictment or Order shall be removed from the Quarter-Sessions by *Certiorari*. Stat. 3 & 4 W. & M. *How Matters determined.*

In a Trial concerning Repairs of Highways, those who are chargeable to the Repairs shall not be admitted as Evidence; but a Person in the Parish, no way liable to such Reparations, will be a good Witness. *Trials, &c.* Term. *Hill. 14 & 15 Car. 2.*

## *Appointment of a Surveyor by Justices of the Peace.*

*At a Special Sessions held for the  
Highways on, &c.*

**W**E whose Names are hereto subscribed, being Justices of the Peace in the County of, &c. do hereby appoint *A. R.* of, &c. (one of the Persons mentioned in a List this Day returned to us by *C. D.* Constable of, &c.) Surveyor of the Highways of the Parish of, &c. aforesaid, for and during the Space of one whole Year next ensuing the Date hereof, according to the Form of the Statute in that Case made and provided. *Given under our Hands and Seals, &c.*

*Turnpikes  
for Re-  
pairs of  
Ways.*

There are several Statutes for erecting *Turnpikes* in Ways, giving Authority to Justices of Peace and Trustees, to appoint Special Surveyors of the Highways to amend the same; and Collectors of Toll 1*d.* for every Horse, and 6*d.* for a Coach, &c. accounting to the Justices, &c. And all Persons chargeable towards the Repairs of the Highways, shall remain so notwithstanding.

*Destroying  
them, &c.  
Penalty.*

Driving Cattle through Grounds to avoid the Toll, incurs a Forfeiture of 10*s.* And Offenders cutting down *Turnpikes* or Gates, shall be committed to the House of Correction for

for three Months; and a second Offence is made Fenoly and Transportation. 8 Geo. 1. c. 5. 1 Geo. 2. c. 23.

# Of Scavengers.

The Statutes concerning Scavengers are the 2 W. & M. 8 & 9 W. 3. & 1 Geo. 1. but the first is the most Particular.

By this Statute, two Tradesmen are to be chosen Scavengers yearly in every Parish within the weekly Bills of Mortality, by the Constables, Church-wardens, &c. and other Inhabitants, who must take upon them the Office in seven Days after Election and Notice, under the Penalty of ten Pounds to be levied by Distress, by Virtue of a Warrant from one Justice; and for want of a Distress, the Offender is to be committed: The Penalty is to be employed in repairing the Highways and Streets in the same Parish. 2 W. & M. c. 2.

Scavengers every Day, except Sundays or Holidays, are to bring their Carts into the Streets, and give Notice by a Bell, or otherwise, of carrying away Dirt, and to stay a convenient Time, or shall forfeit 2 l.

The Inhabitants in London, Westminster, Kensington, Southwark, and within the Bills of Mortality, are to sweep their Streets every Wednesday and Saturday, or they forfeit for every Neglect 3 Shillings and four Pence. This is increased to ten Shillings by Stat. 8 & 9 W. 3. c. 37.

Persons laying Dirt, &c. in the Street before their Houses, are liable to 5 s. Penalty; and laying Ashes, Dirt, &c. before the Houses

Who chosen, and manner of Election.

To send out their Carts, &c.

People to sweep their Doors.

Laying Dirt, &c. in the Streets.

## Surveyors of

ses and Walls of others, or before Church-Walls, or throwing any noisome Things in the common Sewer, Highway, or private Vault forfeit 1*l*.

*Working,  
&c.*

And hooping or cleansing Vessels in Streets, Lanes, &c. mending Coaches, or sawing Timber or Stones, throwing out Dung, Soil, &c. likewise incur a forfeiture of 1*l*.

*Scaven-  
gers to  
lodge their  
Dirt.*

But Justices in their Petit Sessions may give Scavengers Liberty to lodge their Dirt in vacant Places near the Streets, satisfying the Owners for the Damage; and if the Demands of the Owners are unreasonable, the Justices have a Power to moderate the Price.

*Paving of  
Streets,  
Swine  
kept, &c.*

Inhabitants of Houses are to keep the Streets, Lanes and Allies before their Doors paved, to the Middle of the Highway, or shall forfeit for every Perch or Road 1*l*. and if not amended 20*s*. a Week till done: Owners of Houses unoccupied, are liable to the like Penalties. No Swine shall be kept in Backsides, &c. of paved Streets, on pain of Forfeiture.

*New  
Ways.*

One Justice may certify to the Sessions what new Ways are fit to be paved; and Owners and Inhabitants of Houses new built, not paving or amending the Ground before their Houses, forfeit 2*l*. for every Perch or Rod, and the like *per* Week for delaying. But when paved, they are only subject to the same Penalty as others.

*Penalties  
of De-  
faults.*

Justices of *Middlesex* may at their Quarter-Sessions make Rates for paving *Kensington*, &c.

*Scaven-  
gers Rates.*

The Justices in Sessions may order an Assessment to be made not exceeding 4*d*. *per* Pound for Lands, and 8*d*. for every 20*l*. *per* sonal



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sonal Estate, every Year; and Constables, Church-wardens, &c. may make a Tax, being allowed by two Justices, to be collected quarterly, and be levied by Distress and Sale, &c. If not paid within 14 Days.

By the Statute 1 Geo. 1. c. 48. the Quarter-Sessions may appoint Scavengers, and order the Repairing and Cleansing the Streets in any City or Market-Town, and appoint Persons to make Assessments on all Owners and Occupiers of Lands and Houses equally, not exceeding six Pence *per Pound per Annum* to defray the Charge of such Scavengers, which may be collected by such as the Justices think fit, and levied in eight Days by Distress, &c.

*Power of  
Quarter-  
Sessions by  
1 Geo. 1.*

The Assessments for Scavengers of the Parish of *St. Anne Westminster*, and *St. James's*, shall be rated according to the Custom of the City.

Ancient Streets of *London* are to be maintained according to Custom; and cleansing of Streets, &c. must be managed according to the ancient Usage of the City of *London*. The Lord Mayor or any Alderman may present upon View any Offence within the City and Liberties thereof; and assess Fines not exceeding twenty Shillings for every Offence, to be paid to the Chamberlain for the Use of the City.

*Cleansing  
of Streets  
in the Ci-  
ty.*

Scavengers, when new ones are chosen, must account in 28 Days before two Justices of Peace, for the Monies assessed and collected, and what remains in their Hands must be paid to the new Officers; refusing to account, they shall be committed till they do, and till Payment is made.

*Scaven-  
ger's Ac-  
counts.*

The

*Penalties  
how re-  
coverable  
and ap-  
plied.*

The Penalties *supra* are recoverable by Distress, by Warrant from a Justice, &c. to the Constable; and if the Offender is convicted by View of the Justice, one Half of them goes to the Poor, and the other to the Repairs of the Ways; but if by Evidence, the Penalties are distributed between the Poor and Prosecutor.

*Lights to  
be hung  
out in  
Streets.*

The Householders within the weekly Bills of Mortality, whose Houses adjoin to the Streets, shall hang out Lights from the Time it grows dark till 12 a Clock at Night, from *Michaelmas* to *Lady-day*, or pay for Lamps, under the Penalty of two Shillings for every Default, &c.

*Hay-  
Market,  
Carts with  
Hay,  
Straw,  
&c.*

And by the Stat. 8 & 9 W. 3. relating to Scavengers, Owners of Hay brought into the Hay-Market, are to pay three Pence *per* Load, and for Straw one Penny to such as Justices of Peace shall appoint, towards mending the Street called the *Hay-Market*, and no Persons shall suffer their Waggon, Carts, &c. to stand in any Place within the weekly Bills of Mortality, loaden with Hay or Straw, from *Michaelmas* to *Lady-day*, after two a Clock in the Afternoon; nor from *Lady-day* to *Michaelmas*, after three a Clock, on pain of 5 s. for each Offence. *Ibid.*

*Cart-  
Wheels,  
without  
Iron, &c.*

The Wheels of Carts, (Country Carts, those used for carrying Goods Half a Mile beyond the paved Streets, and of Scavengers excepted) are not to be less than six Inches in the Felly, and to be without Iron; and drawn only by two Horses, after they are up the Hills near the Water, under the Penalty of two Pounds for every Cart otherwise. 2 W. & M.

Any

## the Highways, &c.

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Any Carman, &c. riding in a Cart or *Riding in Dray*, not having another on Foot to guide it, *Carts, &c.* forfeits ten Shillings to the Informer, and the Poor of the Parish. *Stat. 1 Geo. 1. cap. 57.* And Carts in London are not to carry beyond Quantities of Bricks, Coals, &c. appointed, on Pain of forfeiting one of the Horses, &c. *Vide 6 Geo. 1. c. 6.*

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*The*

# *The Statutes relating to Hackney-Coaches, and Chairs.*

*Number  
of Coaches  
and Chairs.*

**B**Y the Statute 9 *Ann. c. 23.* eight hundred Hackney-Coaches, and two hundred Chairs, are allowed in *London and Westminster.*

*To be li-  
censed.*

These Coaches and Chairs are to be licensed by Commissioners; each Coach paying 5 s. per Week monthly, and every Chair 10 s. per *Ann.* Commissioners licensing above the Number, forfeit 100 l.

*Persons  
driving  
without  
License,  
abusing  
Persons,  
&c.*

Persons driving a Hackney-Coach without License, shall forfeit 5 l. and a Chair 40 s. And a Person driving a Coach, or carrying a Chair for Hire, not being interested himself in a License; or guilty of any Misdemeanor, by giving abusive Language, demanding more than his Fare, &c. one Justice may order him to pay not exceeding 20 s. to the Poor; and not being able to pay it, may send him to the House of Correction for seven Days.

*Refusing  
to go for  
their Fare.*

Coachmen refusing to go at, or exacting more for Hire, than by the Act is limited, forfeit a Sum not exceeding 3 l. nor under 10 s. at the Discretion of the Commissioners, three or more whereof are to determine the same. By 1 *Geo. 1. c. 57.*



## to Hackney-Coaches, &c.

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Persons not paying Coachmen their due *Not pay-*  
Fare, or cutting or defacing Coaches, Chairs, *ing Fare.*  
&c. a Justice will order to make Satisfac-  
tion; and on Refusal, may bind them over to  
the Quarter-Sessions.

The Fare of Hackney-Coachmen in London, *The Fare of*  
or within ten Miles, is 10 s. per Day, allow- *Hackney-*  
ing twelve Hours to the Day; and by the *Coaches.*  
Hour, not above 1 s. 6 d. for the first, and 1 s.  
for every Hour after: And none are obliged  
to pay above 1 s. for the Use of any Hackney-  
Coach for any Distance, (not mentioned in  
the Act) which is not above one Mile and  
four Furlongs; nor above 1 s. 6 d. for any  
Distance not exceeding two Miles.

The Places and Sums specified by the Act, *Places*  
are 1 s. from any of the Inns of Court to any *mentioned*  
Part of St. James's or Westminster, (except be- *in the Act.*  
yond Tuttle-Street) and from the said Inns or  
thereabouts to the Royal Exchange, 1 s. and to  
the Tower or Bishopsgate, or Aldgate 1 s. 6 d.  
and so from the said Places to the said Inns:  
And the like Rates from and to any Places at  
the like Distance.

In Pursuance of this Act, the Commissioners  
have caused to be measured and rated sever-  
al Distances between the most noted Parts of  
the Town, as follows.

The

*The Rates of Hackney-Coaches for particular Distances (not specified in the Act) ordered by the Commissioners within the weekly Bills of Mortality.*

*One Shilling Rates for Coaches.*

*Rates set  
by Commis-  
sioners for  
Coaches.*

**F**ROM Westminster-Hall to Marlborough-Street, Bolton-street, Soho-square, Bloomsbury-square, Little Queen-street, Holbourn.

From St. James's Gate to Queen Anne's Square, Westminster, the nearest Corner of Red-Lyon-square.

From Golden-square to Red-Lyon-square.

From the Hay-market Theatre to Red-Lyon-square, Bloomsbury-square, Queen-square, Westminster.

From Red-Lyon-square to Guild-hall.

From the upper End of Fetter-lane, Holbourn, to Aldgate.

From the Royal Exchange to Hoxton square.

From Newgate to the Middle of Greek-street, near Soho-square.

From the King's Head Tavern, Southwark, to the Sign of Sir William Walkworth.

From Grays-Inn to Sadlers Wells, by Islington.

From Tom's Coffee-house in Russel-street, Covent-Garden, to Newcastle-house, near Clerkenwell Church.

From Temple-bar to Billingsgate.

From Aldgate to Shadwell Church.

*One Shilling and Six-penny Rates for Coaches.*

From *Drury-lane Playhouse* to *Queen Anne's Square, Westminster.*

From *Westminster-hall* to *St. Paul's Church* or *Queen's Square, Red-Lyon-Fields.*

From *St. James's Gate* to *Hatton-Garden.*

From the *New Exchange* in the *Strand* to the *Royal-Exchange.*

From the *Hay-market Playhouse* to *Hatton-Garden.*

From *Westminster-hall* to *Red-Lyon-square.*

From *St. James's* to *Marybone Church.*

From the *Royal Exchange* to *Bloomsbury-square,* or to the *Watchouse* at *Mile-end.*

From the outside of *Aldgate* to *Stephney Church.*

From *Bedford-street, Covent-Garden,* to *Coleman-street.*

From *Bread-street* to *Upper Moorfields,* and thence to *Hoxton-square.*

From *Austin Fryars Gate* in *Broad-street* to *Hart-street* by *Bloomsbury Market.*

From *St. Martin's Lane* in the *Strand* to *Gold-street* by *Wood-street.*

From the End of *Lombard-street* next *Grace-church-street* to *Somerset-house.*

From *St. Lawrence Church* by *Guild-hall,* to *Brownlow-street* in *Drury-lane.*

From the *Royal Exchange* to *Newington Church* beyond *Southwark.*

From *Tom's Coffee-house* by *Covent-Garden* to the *Royal-Exchange.*

From *Stocks-market* to *Charing-cross.*

From *Aldgate* to *Ratcliff-cross.*

[The

*The Fare of a Hackney-Chair is 1 s. for any Distance not exceeding a Mile; and 1 s. 6 d. for any Distance not exceeding a Mile and four Furlongs : And for particular Distances as follows, viz.*

*One Shilling Rates for Chairs.*

*Rates set  
for Chairs.*

**F**ROM Westminster-hall to Covent-Garden, or to Exeter-Exchange.

From St. James's Gate through the Park to Westminster-hall.

From St. James's Gate to Somerset-house.

From Somerset-house to the upper End of Hatton Garden.

From the Hay-Market Theatre to Bolton-street, Essex-street, Sobo-square, Entrance of Lincoln's Inn Fields.

From the nearest Corner of Golden-square to Drury-Lane Theatre.

*One Shilling and Six-penny Rates for Chairs.*

From Westminster-hall to Marlborough-street, Sobo-square, Bolton-street, Temple-bar.

From St. James's Gate to Queen's Anne's Square, Westminster.

From Golden-square to Red-Lyon-square.

From Red-Lyon-square to the Hay-market Playhouse.

From Queen's Square to the said Playhouse.

From the Hay-Market Playhouse to Bloomsbury-square, or Grays Inn.

The



## to Hackney-Chairs, &c.

165

The most noted Places for standing of *Standings*  
Hackney-Coaches, are *Palace-Yard*, *Westmin-* of *Coaches*.  
*ster*; near *Westminster-hall Gate*; near *Scotland*  
*Yard*, *White hall*, *Charing-cross*, *St. James's Pa-*  
*lace Gate*; *Somerset-house*, *Little Russel street*,  
and *Bedford-street*, *Covent-garden*; near *St. Cle-*  
*ment's Church* in the *Strand*, *Temple-bar*, *St.*  
*Dunstan's Church*, *Fleet-street*; near the *Gates*  
of the *Inns of Courts*, *St. Paul's Church*, *Guild-*  
*hall*, *Stocks-Market*, the *Royal Exchange*, be-  
tween *Bishopsgate* and *Devonshire-street End*, &c.  
But by Order of Commissioners, they are to  
stand in the Middle of the Streets, and not a-  
gainst Gates; or in Streets not 30 Foot wide;  
nor cross any Street, or within 8 Foot of Hou-  
ses, Walls, &c. on Pain of 10 s. And the Dri-  
vers are to give Way to Persons of Quality,  
and Gentlemens Coaches, under the like Pe-  
nalty of 10 s.

Hackney-Coachmen not having Tin-plates *Numbers*,  
with the Number of their Coaches, shall for- &c.  
feit 5 l. Refusing any Person to take the  
Number, or giving a wrong Number, to for-  
feit a Sum not exceeding 40 s.

None but licensed Persons shall stand, ply, *Coaches*  
or drive any Coach, Hearse, or Coach-horses for *Fune-*  
for Hire; or shall let to Hire any Mourning- *erals*.  
Coach, or Coach-Horses, to attend on Fune-  
rals, within the weekly Bills of Mortality, un-  
der the Penalty of 5 l. Stat. 1 Geo. 1. c. 57.

And on *Sundays*, one hundred and seventy- On Sun-  
five Coaches only are to Ply, by Persons ap- days.  
pointed, under the like Penalty, &c.

## *The Laws concerning Watermen.*

**Overseers and Rulers, &c. and their Power.** The Lord Mayor and Court of Aldermen of London, are yearly to elect eight of the best Watermen, to be Overseers and Rulers, and keep good Order amongst the Rest; and the Watermen shall chuse Assistants, who may make Rules to be observed under Penalties; and the Lord Mayor and Aldermen, and Justices of Peace are to hear and determine Offences, &c. 2 & 3 P. & M. c. 16. 11 & 12 W. 3. c. 21.

**Watermen Registred, Size of Boats, &c.** Watermen's Names shall be Registred by the Overseers: Their Boats or Wherries must be twelve Foot and a Half long, and four Foot and a Half broad in the Midship, or be liable to Forfeiture; and two Watermen shall not ply, but where one of them hath exercised the Profession two Years. *Ibid.*

**Who to carry Passengers on a Sunday.** Forty Watermen appointed by the Rulers, are to carry Passengers cross the River on Sundays; and being paid for their Labour, the Overplus Money is for Poor decayed Watermen, &c.

# *Rates of Watermen in and about London and West- minster.*

Oars. Skulls.

l. s. d.

<b>F</b> ROM London-Bridge to Lime- house, New-Crane, Shadwel- Dock, Bell-wharf, Ratcliff-cross.	} 1 0 6
To Wapping-dock, Wapping New and Old Stairs, the Hermitage, Rotherhith Church-Stairs.	} 6 3
From St. Olaves to Rotherhith Church-Stairs.	} 6 3
From Billingsgate and St. Olaves to St. Saviour's Mill.	} 6 3
All the Stairs between London- Bridge and Westminster.	} 6 3
From either Side from London- bridge to Lambeth and Vaux-hall.	} 1 0 6
From Temple, Dorset, and Black Fry- ars Stairs or Paul's Wharf to Lam- beth.	} 8 4
From White-hall to Lambeth and Vaux hall.	} 6 3
Over the Water directly between Vaux hall and Limehouse.	} 4 2

Rates

Distant

*Distant from London, &c.  
Rates of Oars.*

	Whole Fare.	Com- pany.
	s. d.	s. d.
<b>F</b> ROM London to Gravesend.	04 6	0 9
— Woolwich.	02 6	0 4
— Blackwal.	02 0	0 4
— Greenwich or Deptford.	01 6	0 3
— Chelsea, Battersea, Wandsworth.	01 6	0 3
— Putney, Fulham, Barn-Elms.	02 0	0 4
— Hammersmith, Chiswick, Mortlake.	02 6	0 6
— Brentford, Isleworth, Richmond.	03 6	0 6
— Twittenham.	04 0	0 6
— Kingston.	05 0	0 9
— Hampton-Court.	06 0	1 0
— Hampton-Town, Sunbury and Walton.	07 0	1 0
— Weybridge and Chersey.	10 0	1 0
— Staines.	12 0	1 0
— Windsor.	14 0	1 0

Hire of the Tilt-Boat to Gravesend 22 s. 6d.

Every single Person in the ordinary Passage  
6d.

These Rates are set forth and appointed by  
the Lord Mayor and Aldermen, by Virtue  
of the Statute aforementioned.

THE



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A D D E N D A.





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# ADDENDA.

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## THE OFFICE OF CONSTABLES.

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Written by  
Sir FRANCIS BACON, K<sup>t</sup>.

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**T**O the first, *Of the Original of the Authority of Constables*, it may be said, *Caput inter nubila condit*; for the Authority was grounded upon the ancient Laws and Customs of this Kingdom, practised long before the Conquest, and intended and instituted for  
the

the Conservation of the Peace, and Representing of all Manner of Disturbance, and Hurt of the People, and that as well by Way of Prevention, as Punishment; but yet so, as they had no judicial Power to hear and determine any Cause, but only a ministerial Power; (as in the Answer to the 7th Article more at large is set down.)

As for the Office of the *High Constable*, the Original of that is yet more obscure: For though the High Constable's Authority and Jurisdiction hath the more ample Circuit, he being over the Hundred, and the Petty Constable over the Vill; yet I do not find the Petty Constable is subordinate to the High Constable, to be ordered by him: And therefore I doubt the High Constable was not *ab Origine*, but that when the Business of the Country increased, the Authority of the Justices of Peace was enlarged by divers Statutes: Then, for Convenience's Sake, the Office of the High Constable grew in Use, for the Receiving of the Commands and Precepts from the Justices of Peace, and the Distributing of them to the Petty Constables: And in Token of this, the Election of the High Constables in most Parts of the Kingdom is by the Appointment of the Justices of Peace; whereas the Election of the Petty Constable is by the People. But there are two Things unto which the Office of Constables hath special Reference, and which of Necessity, or at least a Kind of Congruity, must precede the Jurisdiction of that Office: I mean, either the Things themselves, or somewhat that hath Similitude or Analogy towards them.

1. The one is the Division of the Territory or Grofs of the Shires into Hundreds, Villis and Towns : For the High Constable is Officer over the Hundred, and the Petty Constable over the Town or Vill.

2. The other is the Court-Leet, unto which the Constable is a proper Attendant and Minister: For there the Constables are chosen by the Jury, there they are sworn, and there that Part of their Office which concerneth Information, is principally to be performed; for the Jury is to present Offences, and the Offenders; and are chiefly to take Light from the Constables of Matter of Disturbance, and Nuisance of the Peace, which they in Respect of that Office are presumed to have best and most particular Knowledge of.

Now the Institution of the Leet is to three Ends.

1. The first, To take the ancient Oath of Allegiance of all Males above the Age of 12 Years.

2. The second, To inquire of all the Offences against the Crown and Peace, not to inquire of only, and certify to the Justices of Gaol-Delivery; but those that are against the Peace simply, they are to inquire and punish.

3. The

3. The third, Is to inquire of, punish and remove all publick Nusances, concerning Infection of Air, Corruption of Viſtuals, Ease of Chaffer, and Contract of all other Things that may hurt or grieve the People in general in their Health, Quiet and Welfare.

And to these three Ends, as Matters of Policy subordinate, the Court-Leet hath Power to call upon the Pledges that are to be taken of the good Behaviour of the Resiants that are not Tenants, and to inquire of all Defaults of Officers, as Constables, Ale-Tasters, and the like; and likewise for the Choice of Constables, (as was said.)

1. The Jurisdiction of those Leets is either remaining in the King, and in that Case exercised by the Sheriff in his Turn, which is the Grand Leet granted over to Subjects, but yet is still the King's Court.

2. To the second, The Election (as was said of the Petty Constable) is at the Court-Leet by the Inquest that makes the Presentments: The Election of the Head Constables is by the Justices of the Peace at their Quarter-Sessions.

3. To the third, The Office of the Constable is annual, except they be removed.

4. To



4. To the fourth, They be Men (as is now used) of inferiour, yea, of base Condition, which is a meer Abuse, or Degenerating from the first Institution: For the Petty Constables in Towns ought to be of the better Sort of Resiants in the said Town, save that they ought not to be aged or sickly Men, but Men of able Bodies in Respect of the keeping Watch, and Toil of their Places.

Neither ought they to be in any Man's Livery. And the High Constable ought to be of the ablest of Freeholders, and of the most substantial Sort of Yeomen, next to the Degree of Gentlemen: But they ought to be such as are not incumbered with any other Office, as Mayor of the Town, Under-Sheriff, Bailiff, &c.

5. To the fifth, They have no Allowance, but are bound by Duty to perform their Office *gratis*, which may the rather be endured, because it is but annual, and likewise because they are not tied to keep or maintain any Servants, or Under-Ministers; for that every one of the King's People within their Limits are bound to assist them.

6. To the sixth, Upon Complaint made of his Refusal to any one Justice of Peace, the said Justice may bind him over to the Sessions, where (if he cannot excuse himself by some Allegation that is just) he may be fined and imprisoned for his Contempt.

7. To

7. To the seventh, The Authority of the Constables, as it is substantive, and of it self, and ascribed to the Warrants and Commands of the Justices of Peace; so again, it is original or additional: For either it was given them by the Common Laws, or else annexed by divers Statutes: And as for subordinate Power, wherein the Constable is only to execute the Commandment of the Justices of Peace, and likewise the additional Power, which is given by divers Statutes, it is hard to comprehend them in any Brevity, for that they do correspond to the Office and Authority of the Justices of Peace, which is very large, and are created by the Branches of several Statutes, which are Things of divers and dispersed Natures. But for the Original and substantive Power of a Constable, it may be reduced to three Heads.

1. For Matter of Peace only.
2. For Matters of Peace and the Crown.
3. For Matter of Nuisance and Disorder, although they be not accompanied with Violence or Breach of Peace.

For pacifying of Quarrels begun, the Constables may, upon hot Words given, or Likelihood of Breach of Peace to ensue, command them, in the King's Name, to keep the Peace, and to depart and forbear; and so he may, where an Affray is made, part the same, and keep the Parties asunder, and arrest and commit the Breakers of the Peace,  
if

if they will not obey, and call Power to assist him for the same Purpose.

For Punishment of Breach of the Peace past, the Law is very sparing in giving any Power or Authority to Constables, because he hath no Power judicial; and the Use of his Office is rather for preventing or staying Mischief, than for punishing of Offences: For, in that Part he is rather to execute the Warrants of the Justices; or when sudden Matter ariseth upon his View, or notorious Circumstances, to apprehend the Offenders, and carry them before the Justices of Peace, and generally to imprison in like Cases of Necessity, where the Case will not endure the present Carrying of the Party before the Justices. — And thus much for Matter of the Peace.

*For Matters of the Crown, the Office of the Constable consists chiefly of four Parts, (viz.)*

1. Arrest.
2. A Search.
3. Hue and Cry.
4. Seizure of Goods.

All which the Constable may perform of his own Authority, without any Warrant of the Justices of Peace. For,

1. First, If any Man will lay Murder or Felony to another's Charge, or do suspect him of Murder or Felony, he may declare it to the Constable ; and the Constable ought, upon such Declaration or Complaint, to carry him before the Justice: And if by Common Voice or Fame any Man be suspected, the Constable of Duty ought to arrest him, and bring him before a Justice, tho' there be no Accusation, or Declaration.

2. Secondly, If any House be suspected, for the Receiving or Harboursing of any Felon, the Constable, upon Complaint or Common Fame, may search.

3. Thirdly, If any fly, upon the Felony, the Constable ought to raise Hue and Cry.

4. Fourthly, The Constable ought to seize Goods, and keep them safe without impairing, and inventory them in the Presence of honest Neighbours.

For Matter of Common Nuisance of corrupting Air, Water or Victuals, or Stopping or Straightning or Endangering any Passage, or general Deceits in Weights, Measures, Sizes or Counterfeiting of Wares and Things vendible: The Office of the Constable is to give (as much as in him is) Information of them, and of the Offenders in Leets, that they may be presented.

But



But because Leets are kept twice in the Year, and many of those Things require a speedy or present Remedy, the Constable, in Things notorious, and of vulgar Nature, ought to forbid and repress them in the mean Time.

8. To the eighth, They are for their Contempt to be fined, or imprisoned, or both, by the Justices in their Sessions.

### *The Oath of Constables.*

9. To the ninth, The Oath they take, is in this Manner; You shall swear, that you shall well and truly serve the King, and the Lord of the Law-Day: And you shall cause that the Peace of our Sovereign Lord the King shall be well and duly kept to your Power.

And you shall arrest all those that you see committing Riots, Debates and Affrays in Breach of Peace.

And you shall well and duly endeavour your self to your best Knowledge, that the Statutes of *Winchester*, for Watch, Hue and Cry; and the Statute made for the Punishment of sturdy Beggars, Vagabonds, Rogues, and other idle Persons, coming within your Office, that the Offenders be punished.

And

But

And you shall endeavour upon Complaint made, to apprehend Barretors, and Riotous Persons making Affrays, and likewise to apprehend Felons: And if any of them make Resistance with Force and Multitude of Misdoers, you shall make Outcry, and pursue them till they be taken.

And you shall look unto such Persons as use unlawful Games.

And you shall have Regard unto the Maintenance of Artillery.

And you shall well and duly execute all Process and Precepts sent unto you from the Justices of Peace of the County.

And you shall make good and faithful Presentments of all Bloodsheds, Outcries, Affrays, and Rescues made within your Office.

And you shall well and duly, according to your Power and Knowledge, do that which belongeth to your Office of a Constable to do for this Year to come.

*So help you God.*

10. To the tenth, Their Authority is the same in Substance, differing only in the Extent: The Petty Constable serving only for one Town, Parish or Borough; the Head Constable serving for a whole Hundred: Neither is the Petty Constable subordinate to the Head Constable for any Commandment that proceeds from his own Authority. But it is used that the Precepts of the Justices be delivered unto the High Constables, who being few in Number, may better attend the Justices: And then the Head Constable by Virtue thereof

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thereof makes his Precepts over to the Petty Constables.

11. To the eleventh, The Constable in Case of Necessity, may appoint a Deputy, or in Default thereof, the Steward of the Leet may : Which Deputy ought to be sworn before the said Steward.

*The Office of Constables consists wholly in these three Things, viz.*

1. Their Office concerning the Conservation of the Peace.
2. The serving of the Precepts and Warrants of the Justices.
3. Their Attendance for the Execution of the Statutes.

The Office of a Constable is of great Power and Authority, especially by Night, at which Time they have the whole Rule and Government, and ought to be obeyed, as well without their Staff of Office or Authority, as with it; provided they declare and make themselves known by that Title, and in the King's Majesty's Name : For it is not the Staff which makes the Constable, but the Office which he is sworn unto : And therefore he may command in his Majesty's Name any Person or Persons to go along, aid and assist him in and upon all Occasions : For while his Majesty and his Ministers of Quality take their Rest in the Night, the Constable's Office

fice is to be intrusted with that Part of the  
 City or Precinct unto which he is called, for  
 Fear of Uproars and Robberies, and such  
 like Outrages: And for that Reason Con-  
 stables ought to be cherished and respected,  
 if they faithfully discharge that Trust com-  
 mitted to them: And let them that are cho-  
 sen into this Office be both faithful and trust-  
 ty to discharge the Trust which is committed  
 unto them: And let not future Hope, nor  
 present Reward blind their Eyes, nor make  
 deaf their Ears, lest some Danger may en-  
 sue, which may prove their Ruin and De-  
 struction.

*Felix quem faciunt aliena pericula Cautum.*

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*F I N I S.*



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